

Student Code of Conduct

I. INTRODUCTION

A. Purpose of SCC

Augustana University's code of student conduct is committed to fostering an environment that promotes informed citizenship, respect for human community and fairness. The following statements of policy, standards and rules define inappropriate conduct for the Augustana community. These behavioral expectations apply to all students, whether undergraduate or graduate. Each student bears responsibility for his or her conduct and to also assume reasonable responsibility for the behavior of classmates and guests. Augustana strives to respond to all reports of violations in a prompt manner with an emphasis on non-adversarial resolution, reasonable determination of consequences, and meaningful implementation of remedies.

B. FREEDOMS

Augustana is committed to the acquisition of knowledge, the pursuit of truth, the development of students, and promotion of the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the Augustana community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

1. Freedom to Teach and Learn.

The responsibility to secure and to respect conditions conducive to the freedom to learn is shared by all members of the campus community. The professor in the classroom and in conference shall encourage free discussion, inquiry, and expression. Student performance shall be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards. Students are free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

An Augustana student is expected to show respect for professors and classmates and is expected to express oneself with civility and to exemplify a high sense of personal honor and integrity. Refer to the Code of Conduct policy on classroom conduct V. Prohibited Conduct Section B.1. for further definition of classroom freedoms and responsibilities.

2. Freedom from Discrimination.

Augustana University is committed to providing equal access to and participation in employment opportunities and in programs and services, without regard to race, color, religion, creed, sex, pregnancy, sexual orientation, gender identity, genetic information, national origin, ancestry, age, veteran status, or disability. Augustana complies with Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Rehabilitation Act, and other applicable laws providing for nondiscrimination against all individuals.

The University will provide reasonable accommodations for known disabilities to the

extent required by law. This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the University policy on nondiscrimination. When brought to the attention of the university, any such discrimination will be appropriately remedied by the University. Please see [discrimination policy](#) for details.

3. Freedom of Association.

Students are free to organize and join associations to promote common interests provided the organization's purpose is consistent with the University's mission and values. Student organizations shall submit a constitution (i.e., a statement of purpose, criteria for membership, and rules of procedure) to the Student Engagement Office as a condition of institutional recognition. Institutional recognition also requires the organization to have an advisor who is affiliated with Augustana. Official recognition affords an organization with support from the Augustana Student Association, use of facilities and general support for programming.

3. Freedom of Inquiry and Expression. Students and their organizations are free to examine and discuss all questions of interest to them and express opinions publicly and privately. They shall always be free to support causes by orderly means to the extent that these activities do not disrupt the regular and essential operations of the University.

Procedures for inviting and hosting guest speakers are specified in the Speaker Policy, also available from the Center for Campus Life. This office serves as an initial point of scheduling and approval for speaker-related events. Augustana University maintains the sole discretion to approve or place limits on the activities and use of its facilities. The University also clarifies that the invitation and/or sponsorship of speakers and non-institutional organizations by recognized student organizations does not imply approval or endorsement of the views expressed either by the sponsoring student organization or the University.

The student body has a clearly defined means through the Augustana Student Association to participate in the formulation and application of institutional policy affecting academic and student affairs.

5. Freedom of The Press

As the publisher of student publications and related media, Augustana University bears the legal responsibility for the content. In the delegation of editorial responsibility to students, Augustana provides sufficient editorial freedom and financial autonomy for students to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

The Publications Board has the responsibility to provide clarification about editorial freedom for all recognized student publications. The editorial freedom of student editors

and managers entails corollary responsibilities to be governed by elements of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo.

The student press shall be free of censorship and advance approval of copy. Its editors and managers are free to develop their own editorial policies and news coverage keeping in mind the rights of all students in respect to valid coverage of all aspects of student life.

All university published and financed student publications and related media shall explicitly state on the editorial page that opinions expressed are not necessarily those of Augustana or the student body.

II. AUTHORITY OF INSTITUTION OVER STUDENTS AND STUDENT ORGANIZATIONS

Augustana University's student conduct procedures have as a primary purpose to be educational. Decisions that resolve incidents of misconduct and those determinations that remedy violations are made in a spirit of equity and fairness. The Code of Conduct applies to behaviors that take place on campus, at university-sponsored events and may also apply to off-campus settings including the online environment when the conduct affects a substantial university interest.

At Augustana, responsibility for adjudicating student conduct is the responsibility of designated personnel who serve as student conduct officers, hearing officers, or boards members.

III. STANDARDS OF BEHAVIOR

- A. Attendance at Augustana University is optional and voluntary. When students enroll at an institution, they voluntarily accept obligations of performance and behavior that are consistent with the institution's mission, processes, and functions. In general, these obligations are considered much higher than the obligations imposed by civil and criminal law for all citizens. By enrolling at Augustana University, students voluntarily accept responsibility for compliance with all institutional policies including but not limited to the Student Code of Conduct.
- B. Students are expected to check their Augustana email daily as this is a primary way of transmitting official communication to students, faculty, and staff.

IV. DEFINITIONS

- A. **Advisor:** a person selected by a complainant or respondent who assists throughout the student conduct process. Students may choose any person as their advisor, including but not limited to staff, faculty, family member, and legal counsel. The advisor's role in the hearing is to personally advise the student. During the hearing, the advisor may consult with their advisee quietly or in writing or outside the meeting during breaks. The advisor

may not conduct or direct cross-examination, ask questions or make presentations or comments to the student or hearing body during the hearing.

- B. **Augustana:** Augustana University, Sioux Falls, South Dakota.
- C. **Burden of proof:** describes the standard of evidence used to make a determination of responsibility in a student conduct hearing. Augustana University uses a “Preponderance of Evidence” standard which means that it is more likely than not that a violation occurred.
- D. **Charge:** an allegation of a potential violation of a policy, standard, or rule.
- E. **Complainant:** any person who submits information indicating that a student may have violated the Student Code of Conduct.
- F. **Dean of Students:** The institutional official exercising primary authority over institutional student affairs programs and operations or designee.
- G. **FERPA:** the Family Educational Rights and Privacy Act of 1974, as amended.
- H. **Hearing:** any meeting, conference, or other formal review processes in which decisions are made regarding matters of student conduct.
- I. **Hearing Panel:** any group of institutional employees or students authorized by the Dean of Students or the Dean’s designee to determine whether a student has violated the Student Code and to recommend imposition of conduct sanctions.
- J. **Institution:** Augustana University, Sioux Falls, South Dakota.
- K. **Investigation:** the follow through on a complaint to ascertain details and circumstances associated with a complaint alleging a violation of the Code.
- L. **Notice:** Notice required by the Student Code of Conduct shall be provided in writing via email to the student’s official institutional email account. Notice is deemed received the day after it is sent by email.
- M. **Organization:** a group whose members are primarily Augustana students including but not limited to academic, social, athletic, recreational, religious, or similar groups. Under most circumstances, an organization has complied with requirements for university recognition and are advised by a member of the faculty or staff.
- N. **Policy:** The written regulations of the institution as found in, but not limited to, this Student Code, the Residence Life Handbook, the Graduate and Undergraduate Catalogs, and other official publications.

- O. **Premises:** includes all land, buildings, facilities, and other property in the possession of, owned, used, leased or otherwise controlled by Augustana University including adjacent streets and sidewalks.
- P. **Respondent:** any student or organization charged with a violation of the Student Code of Conduct.
- Q. **Sanction:** is used to describe remedies and/or requirements given to a student in response to a violation of the Student Code of Conduct.
- R. **Student:** any person enrolled or participating in Augustana University courses and sponsored off-campus programs. Enrollment begins when the student physically arrives on the campus, at the program's location, or logs on to the online instructional delivery program. Enrollment lasts for as long as the student maintains a continuing academic relationship with Augustana University.
- S. **Student Code of Conduct/Student Code/Code:** The Student Code of Conduct contained in this University Policy.
- T. **Student Conduct Officer:** Any institutional official authorized by the Dean of Students to 1) informally resolve an allegation by determining the facts and, if a violation is found, imposing a conduct sanction without the assistance of a Student Conduct Panel 2) Serve as the chair of the Student Conduct Panel 3) Receive and consider the findings and recommendations of a Student Conduct Panel 4) Determine whether a respondent has violated the Student Code, and if so, to impose appropriate sanctions.
- U. **Student Conduct Panel:** The panel that hears formal hearings. This panel can take the following forms: 1) a Student Conduct Officer or 2) the Student Conduct Officer and members of the hearing panel.
- V. **University:** Augustana University, Sioux Falls, South Dakota.
- W. **University officials:** any person employed by the University who performs assigned administrative or professional responsibilities.

V. PROHIBITED CONDUCT

The following list describes actions that detract from the effectiveness of an institution's productive living-and-learning community. Any student found to have engaged, attempted to engage, or allowed or assisted another in engaging, in the following prohibited conduct is subject to the student conduct process and conduct sanctions outlined in this Student Code. (SDBOR)

A. Academic Dishonesty

Click here for information on the Honor Code

<https://www.augie.edu/resources/academic-affairs/augustana-university-honor-code>

B. Disruption, Obstruction, or Interference with Institutional Activities

1. Classroom Conduct.

The responsibility to secure and respect conditions conducive to the freedom to learn is shared by all members of the campus community. An Augustana student is expected to show respect for faculty members, classmates, and the community; is expected to express oneself with civility and to exemplify a high sense of personal honor and integrity. The following further clarifies these freedoms and responsibilities.

The faculty member in the classroom and in conference encourages freedom of expression including constructive disagreement so long as this freedom is exercised in a civil and respectful manner.

Disruptive conduct as applied to these settings means behavior that interferes with the learning environment. Examples of disruption include, but are not limited to; persistently speaking without being recognized; interrupting speakers; behavior that distracts from the subject matter or discussion; and in extreme cases, physical threats, harassing behavior, personal insults, or failure to comply with faculty direction.

2. Dishonesty

Possessing false and/or misleading information and furnishing false information to university officials acting within the scope of their duties. Dishonest acts include lending, borrowing or altering university identification, forgery, alteration, or misuse of school documents and/or records, and the manufacture, attempted use, distribution, or sale of false identification.

3. Disorderly conduct

Disorderly conduct is prohibited on university premises and at university-sponsored activities. Disruptive conduct is an act that intentionally obstructs teaching, research, administration, disciplinary procedures, freedom of movement, and other lawful activities on the campus and at university-sponsored events. Augustana prohibits acts that violate the civil rights of others and any actions that obstruct university programs through the use of force, violence, or obstructive behavior.

4. Failure to comply

Failure to comply with a request and directives of university officials acting within the scope of their authority. This includes, but not limited to: failure of a student to present his/her university identification card, failure to keep or attend a required meeting, and failing to leave an area when requested by an authorized

university official. Upon the request of the student questioned, university officials must identify themselves and state the source of their authority.

5. Interference with the Student Conduct Process

Attempting or actively influencing, impeding, intimidating, interfering or coercing any person involved in a potential, actual, or past student complaint. This includes, but is not limited to, encouraging or influencing another person to commit an abuse of a university conduct system, discouraging an individual's proper participation in, or use of, the university accountability process, or distributing or interfering with the orderly process of a hearing.

C. Misuse of Institutional Resources or Property, or Personal Property of Others

1. Computer and technology resources

Computer and technology resources enhance teaching, learning and scholarly research. Students are expected to apply a normal standard of academic integrity, polite conduct, respect for the rights of others, and adherence to state and federal laws. Technology resources include university-owned hardware, software, accompanying network resources, and technology support personnel.

The following are examples of misconduct:

- a. Activities that jeopardize the security and integrity of the University's technology system.
- b. Activities that create a hostile (harassing or threatening) work and/or study environment.
- c. Activities that violate copyright laws and other state and federal statutes. The University assumes that materials on the internet are copyright protected unless a disclaimer or waiver is expressly stated. Other copyright related misconduct includes the use of materials owned by others including the use of media that does not meet the criteria of fair use and does not have the permission from the original owner or is used without proper citation.
- d. Sharing university-issued logins/passwords or of any other entity is prohibited. Students are responsible for safeguarding assigned passwords from unauthorized use.
- e. University directory information including the Buzz Book and email addresses is for personal (internal) use and may not be shared or used for commercial purposes.
- f. Gaining access (to connect) to other systems through the University's network does not imply the right to do so without authorization from the system's owner.

2. Drones

The operation of an unmanned aircraft system (UAS), a drone, is regulated by the Federal Aviation Administration. Drones are only permitted on the premises for university sponsored educational and/or research purposes. Approval to operate a

drone on/over university premises must be obtained from the Director of Campus Safety.

3. Fire Safety

The following prohibited acts may be subject to local and state fire codes and violations may be referred to local authorities.

- a. Tampering with fire safety equipment such as extinguishers, smoke detectors, alarms and building fire exits.
- b. The possession and/or discharge of fireworks or explosives.
- c. Burning candles, incense and other actions involving an open flame, particularly in campus housing facilities.

4. Unauthorized Use

- a. Unauthorized taking of, damage to, or possession of property belonging to the University, another member of the institutional community, or another person.
- b. Unauthorized possession, duplication, or use of keys, access cards, or access codes to any institutional premises.
- c. Unauthorized entry into, or use of, institutional premises.
- d. Unauthorized possession, entry into, or use of institutional equipment, software systems, or information.

5. Theft

Stealing from, causing damage to, or malicious misuse of university premises or controlled property or the property of any member or guest of the campus community.

D. Threat of Harm or Actual Harm to a Person's Physical or Mental Health or Safety

1. Assault

Conduct that threatens or endangers the health or safety of a person by acts that are painful, injurious, intimidating, insulting or offensive. This includes any willful attempt or threat to inflict physical or emotional harm, with an apparent ability to commit the act.

2. Bullying and Cyberbullying

Repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or emotionally.

3. Harassment

Form of discrimination that may be created by oral, written, graphic, or physical conduct that interferes with, limits or denies the ability of an individual to participate in or benefit from university-sponsored programs, activities, or opportunities.

4. Hazing

An act likely to cause physical or psychological harm or social ostracism when related to the initiation, pledging, joining, or any other group-affiliation activity on the basis of actual or perceived membership.

5. Intimidation

An implied threat or act that causes an unreasonable fear of harm in another.

6. Retaliation

Retaliation includes intimidation, threats, or harassment against any person reporting a student conduct incident and/or cooperating in the investigation of an incident including witnesses.

7. Sexual Misconduct

Augustana is committed to a safe environment that promotes dignity and respect and will not tolerate sexual misconduct in any form. Sexual misconduct is not only a violation of an individual's rights and dignity, it is an act that affects our entire campus community. This policy relates directly to federal and state civil rights laws banning discrimination in institutions of higher education. The following acts constitute a violation of this policy: sexual harassment, sexual assault, dating violence, domestic violence, and stalking. These acts are presented in detail and remedied as part of the University's harassment, non-discrimination and sexual misconduct policies and procedures.

Click here to see policy in its entirety. www.augie.edu/titleix

8. Weapons

Defined as any item that is designed or used to injure or harm another person, including but not limited to all firearms, air guns, slingshots, bows, stun guns, tasers, BB guns, switchblade knives, fixed blade knives with blades over 6 inches in length are prohibited on the premises and at university sponsored activities. Secure storage for hunting weapons is available in the Campus Safety Office.

E. Housing and Living Groups

Click here for information on residence life policies. Look for Community Standards Section. <https://www.augie.edu/student-handbook>

F. Use and Misuse of Substances

1. Alcoholic Beverages

- a. The possession and use of alcoholic beverages on the premises and at university sponsored functions are prohibited. The following provides additional clarification regarding alcohol-related standards and procedures:

- b. It is unlawful in the State of South Dakota for persons under the age of 21 to possess or consume alcoholic beverages. It is also illegal to sell or distribute alcoholic beverages to persons under the age of 21.
- c. Alcoholic beverage use is permitted in designated housing facilities (theme houses and apartments) when students are 21 years of age or older.
- d. Intoxication and other alcohol-related behavior are not condoned.
- e. Alcoholic beverage paraphernalia such as beer bong used for drinking contests is prohibited.
- f. The possession of alcoholic beverage containers, either full or empty, is taken as a presumption of use and possession.
- g. It is a violation, even when present in a defined location such as a residence hall room where alcoholic beverage containers are present.

2. Drugs

- a. The use and/or possession of drugs except when prescribed by a physician, and the distribution of drugs and is prohibited on the premises and at university sponsored activities. The following provides additional clarification regarding related standards and procedures:
- b. A violation of this drug policy (i.e., narcotics, stimulants, depressants and hallucinogens) is subject to state and federal laws and may be referred to law enforcement officials.
- c. The possession of drug-related paraphernalia such as bong and pipes is a violation of state law and may be referred to law enforcement officials.

3. Medical Amnesty

Seeking medical assistance when faced with an alcohol or drug related emergency far outweighs the consequences of a policy violation. No student seeking medical assistance for oneself or for another will be subject to disciplinary action for the sole violation of an alcohol or other drug violation provided the student acts in good faith and cooperates with university officials.

4. Tobacco

Augustana is a tobacco-free campus. The use of tobacco products in or on university premises is prohibited and includes: cigarettes, cigars, pipes, all forms of smokeless tobacco, clove cigarettes and any other smoking devices that use tobacco, such as hookahs or simulate the use of tobacco, such as electronic cigarettes.

G. Violation of Policy or Laws

1. Violation of published Augustana policies, rules, or regulations.
2. Violation of federal, state, or local law.
3. Any student convicted of a criminal offense is subject to university conduct action.

H. Conduct by Organizations

1. Organizations that, formally or informally through repeated practice, initiate, encourage, support, or tolerate conduct by members, associates, or invitees that violates the provisions of this Student Code shall be subject to conduct sanctions.
2. Student organization funds may not be used to purchase alcohol or sponsor an event where alcohol is available.
3. Advertising that promotes the use of alcoholic beverages is not permitted.
4. The privileges of official recognition by an institution may be extended to organizations, only if such organizations agree to adopt and to enforce policies that, at minimum:
 5. Prohibit the manufacture, possession, use, dispensing, or provisions of alcoholic beverages at organizational functions or in the organizational residence by persons under the age of 21
 6. Prohibit the manufacture, possession, use, or dispensing of marijuana (including cannabis used or possessed for medical purposes) or unauthorized controlled substances at organizational functions or in the organizational residence
 7. Prohibit the expenditure of organizational funds on alcoholic beverages, marijuana (including cannabis used or possessed for medical purposes), or controlled substances
 8. Prohibit the informal collection of monies from members, associates, or invitees to be spent on alcoholic beverages, marijuana (including cannabis used or possessed for medical purposes), or controlled substances
 9. Prohibit the possession, use, or distribution of alcohol, marijuana (including cannabis used or possessed for medical purposes), or controlled substances on premises controlled by Augustana University

VI. STUDENT CONDUCT PROCESS

A. Filing A Complaint

1. Any member of the Augustana University community may file a complaint against a student. All complaints must be in writing.

2. Complaint forms can be found here: <https://www.augie.edu/concerns-and-feedback>
3. Complaints should be filed within 10 school days of the incident. Consideration for extension will be given for extenuating circumstances.

B. Interim Actions

1. In certain circumstances, Augustana may take interim action(s) to safeguard the university community before a student conduct hearing begins or is completed. Interim action(s) may be imposed immediately without prior notice when there is a need to take an individualized response based on the status of the student, the seriousness of the alleged violation(s) and/or the potential for an ongoing threat or disruption to the university community.
2. Interim actions may include, but are not limited to, “no contact” orders, relocation in campus housing, adjustments to class schedule, and denied access to the premises and/or all other activities or privileges for which the student might otherwise be eligible.
3. A student may also be suspended on an interim basis if the student has engaged in, or threatens to engage in behavior which causes physical harm to self, to others, would place others in fear of imminent danger, and/or causes disruption of, or interference with the normal operations of the university.

C. Preliminary Procedures

1. The Assistant Dean of Students for Community Standards and Responsibilities shall make an initial determination whether the allegations, if true, would violate the Student Code of Conduct.
2. The Assistant Dean of Students for Community Standards and Responsibilities shall determine whether alleged conduct, if it occurred off-campus, adversely affects the institution, any organizations, or members of the institutional community.
3. If the Assistant Dean of Students for Community Standards and Responsibilities determines that either the allegations, if true, would not violate the Student Code or that the allegations are not credible, then Assistant Dean of Students for Community Standards and Responsibilities should inform the complainant of this determination and inform the complainant that the allegations may be resubmitted should additional information become available.
4. If the Assistant Dean of Students for Community Standards and Responsibilities determines that the allegations, if true, would violate the Student Code and determines that the allegations are credible and will be investigated, the Student Conduct Officer shall provide written notice to the respondent within fifteen (15) days of receiving the report of alleged misconduct.

5. The written notice to the respondent must include the following:
 - a. The alleged behavior that would be a violation of the Student Code;
 - b. The date and location of the alleged behavior;
 - c. The section(s) of the Student Code alleged to have been violated;
 - d. The name of the complainant;
 - e. A time to meet with the Student Conduct Officer to provide the respondent with the opportunity to give his/her account of the incident leading to the allegation of misconduct;
 - f. Information about the right to have an advisor present throughout the student conduct process;
 - g. Information about both the informal and formal resolution processes;
 - h. A time for a hearing to occur no earlier than ten (10), and no later than twenty (20), days after this written notice is deemed received to address any alleged violations that are not informally resolved;
 - 1) The minimum time limit may be waived by the respondent.
 - 2) The maximum time limit may be extended at the discretion of the Student Conduct Officer.
 - i. At the time that the written notice to the respondent is sent, a written notice shall also be sent to the complainant containing information about the right to have an advisor present throughout the student conduct process, information about both the informal and formal resolution processes, and the time for the hearing to address any alleged violations that are not informally resolved.

D. Investigation

1. The Student Conduct Officer will conduct an investigation of the allegations, which may include speaking with witnesses and reviewing any documentation. Only in instances where the Student Conduct Officer determines that there is sufficient evidence to establish that the respondent violated the Student Code by a preponderance of the evidence will the allegations proceed to informal or formal resolution.
2. The Assistant Dean of Students for Community Standards and Responsibilities may choose to refer any investigation to the Associate Vice President of Campus Safety & Logistics/Director of Office of Campus Safety.
3. If the Assistant Dean of Students for Community Standards and Responsibilities determines that the allegations, if true, would violate the Student Code, the Assistant Dean of Students for Community Standards and Responsibilities shall conduct a pre-investigation inquiry to determine whether the allegations are credible. This process may include speaking with witnesses and reviewing any documentation. Depending on the nature and complexity of the allegations, the Assistant Dean of Students for Community Standards and Responsibilities may request the Associate Vice President of Campus Safety & Logistics/Director of Office of Campus Safety to conduct the pre-investigation inquiry.

E. Hearings and Conferences

1. It is at the discretion of the Assistant Dean of Students for Community Standards and Responsibilities as to whether the case will utilize the informal resolution process or be referred directly to the formal resolution process.
2. Cases that involve the loss of privileges such as living in university housing or separation from the University will be heard by the Assistant Dean of Students for Community Standards and Responsibilities, a designee of the Dean of Students or a Student Conduct Panel.

F. Informal Resolution

The Student Conduct Officer may speak separately and individually with the complainant and the respondent to determine whether the alleged misconduct can be resolved through informal resolution.

1. Informal resolution may be reached where:
 - a. The parties involved mutually agree to a full resolution of the alleged misconduct that is acceptable to the Student Conduct Officer.
 - 1) This must be documented in writing and signed by the complainant, respondent, and Student Conduct Officer.
 - b. The respondent waives a formal hearing by admitting to the misconduct and accepting the proposed conduct sanctions.
 - 1) This must be documented in writing and signed by the respondent and the Student Conduct Officer.
2. Partial informal resolution may be reached where:
 - a. the respondent admits to the misconduct but does not accept the proposed conduct sanctions. When this occurs, the process moves to formal resolution with the hearing being limited to the question of appropriate conduct sanctions.
 - 1) This must be documented in writing and signed by the respondent and the Student Conduct Officer.
3. Informal resolution shall be final and the parties who agreed in writing to informal resolution waive any right to appeal otherwise available under the student code of conduct.
4. The Student Conduct Officer's involvement in attempting to informally resolve the allegation of misconduct does not impact the Student Conduct Officer's ability to later serve as the Student Conduct Panel or a member thereof in the formal resolution process.

G. Formal Resolution

If the alleged misconduct is not fully resolved through informal resolution, the matter proceeds to a hearing.

1. The composition of the Student Conduct Panel shall be determined as follows:

For matters where the Student Conduct Officer serves as Chair of the Student Conduct Panel, the Student Conduct Officer shall have sole discretion regarding whether the Student Conduct Panel includes:

Option 1 – only the Student Conduct Officer; or
Option 2 – the Student Conduct Officer and any institutional employee or employees or independent contractor authorized by the Dean of Students to determine whether a student has violated the Student Code and to recommend imposition of conduct sanctions.

2. Both the complainant and the respondent will be provided notice of the identity of the member(s) of the Student Conduct Panel. Both parties may request in writing (and must include supporting information) that a Student Conduct Panel member be replaced due to an actual or reasonably perceived conflict of interest. Such requests must be submitted, in writing to the Dean of Students no later than twenty-four (24) hours after the notice is provided to both parties. The Dean of Students shall make a final decision as to these requests and will provide notice to both parties of the decision.
3. Hearings shall be conducted by a Student Conduct Panel according to the following guidelines:
 - a. Hearings shall be conducted in private.
 - b. Witnesses other than the complainant and the respondent may only be present during the hearing while presenting their information.
4. The Chair shall have sole discretion and final decision-making authority over the following:
 - a. Whether an individual's conduct interferes with the hearing and requires that individual's removal
 - b. Whether written information, materials, documents, and statements submitted are relevant and will be accepted for consideration by the Student Conduct Panel
 - c. All questions about the interpretation of the student conduct process
5. Neither the complainant nor the respondent is required to attend or participate in the hearing, and such decision will have no bearing on the question of whether the respondent violated the Student Code.
6. The respondent has no obligation to provide any information, materials, documents, or witnesses, or answer any questions and is presumed to not have violated the Student Code. The burden is on the Institution to gather sufficient evidence to reach a fair, impartial determination as to whether the alleged violation of the Student Code occurred.
7. If the complainant or respondent wants the Student Conduct Panel to review any materials or documents or wants to present any witnesses at the hearing, such materials and documents and/or witness lists must be submitted to the Chair by the following deadlines in order to be considered:
 - a. all materials and documents and/or witness lists must be submitted at least twenty-four (24) hours before the hearing.
8. The Chair will promptly provide the other party and the Student Conduct Panel members a copy of any materials, documents, and witness lists submitted.

9. The complainant and the respondent have the right to be assisted by an advisor of their choice, at their own expense. Ordinarily, no more than two advisors for each student shall be permitted. The advisor is limited to advising the student directly, and is not permitted to speak to anyone else, or participate directly, in any hearing.
10. The Student Conduct Officer shall record the audio of the hearing.
11. Generally, the hearing will be conducted in the following order:
 - a. The Chair will ask each individual present at the hearing to identify him/herself by providing his/her name and role at the hearing (complainant, respondent, member of the Student Conduct Panel, etc.).
 - b. The Chair will remind the respondent:
 - 1) Of the materials that the Student Conduct Panel received prior to the hearing
 - 2) Of the right to have an advisor present
 - 3) Of the right to refuse to speak as a witness against him/herself
 - 4) That the refusal to speak as a witness against him/herself will have no bearing on the question of whether the respondent violated the Student Code
 - 5) Of the alleged behavior that would be a violation of the Student Code
 - 6) Of the section(s) of the Student Code alleged to have been violated
 - c. The Chair will provide the complainant with the opportunity to engage in the hearing. If the complainant agrees to engage, then:
 - 1) The Chair will provide the complainant the opportunity to provide any additional relevant factual details that were not previously provided. The complainant may choose to do so or may decline and maintain the right to not provide information, materials, documents, or answer questions. The complainant may decline but still present witnesses.
 - 2) The Chair will ask the complainant to present any witnesses, who will be brought to the hearing one at a time, and ask questions of the witness.
 - 3) The Student Conduct Panel will then ask questions of the witness.
 - 4) The Chair will ask the respondent for any questions for the witness. The respondent will provide the Chair any questions in writing.
 - 5) The Chair will ask the witness any questions provided by the respondent that the Chair determines to be relevant.
 - d. The Chair will ask the complainant to present the next witness. The process described above shall repeat for each witness until the complainant has presented all of its witnesses.
 - e. The Chair will provide the respondent the opportunity to engage in the hearing. If the respondent agrees to engage, then the Chair will provide the respondent the opportunity to provide any additional relevant factual details that were not previously provided. The respondent may choose to do so or may decline and maintain the right to not provide

information, materials, documents, or answer questions. The respondent may decline but still present witnesses.

- f. The Chair will ask the respondent to present any witnesses, who will be brought to the hearing one at a time, and ask questions of the witness.
 - g. The Student Conduct Panel will then ask questions of the witness.
 - h. The Chair will ask the complainant for any questions for the witness. The complainant will provide the Chair any questions in writing.
 - i. The Chair will ask the witness any questions provided by the complainant that the Chair determines to be relevant.
 - j. The Chair will ask the respondent to present the next witness. The process described above shall repeat for each witness until the respondent has presented all of its witnesses.
 - k. The Student Conduct Panel may ask the complainant and/or the Respondent whether s/he agrees to answer questions. The Student Conduct Panel may then ask questions of either or both parties who agree to answer questions.
12. The Student Conduct Panel will meet in a closed session to discuss and make its recommendation. The closed session shall not be audio recorded.
13. The Student Conduct Panel shall review all information and materials presented to it and shall decide by majority vote whether the respondent violated the Student Code by a preponderance of the evidence (more likely than not). Decision-making techniques or approaches that apply sex stereotypes or generalizations should be avoided so that the hearing process proceeds objectively and impartially.
14. The Student Conduct Panel shall prepare written findings to support its determination. If multiple allegations of misconduct exist, a decision should be reached separately for each allegation.
15. These written findings shall include:
- a. Concise statements of each factual finding;
 - b. Brief explanations of whether and why the factual findings support a conclusion that the conduct either violated or did not violate the Student Code;
 - 1) These must address each factual element that must be satisfied to establish that conduct has violated the Student Code.
 - c. Any initial, interim, or final decisions by the institution; and
 - d. If a violation is found, recommendations of appropriate conduct sanctions and supporting rationale for the conduct sanctions.
16. The Student Conduct Panel shall forward its written findings to the Chair. The Chair has sole discretion to adopt or reject any portion of the written findings.

17. If any portion of the written findings are rejected, the Chair shall issue new written findings it determines to be appropriate for such portion(s), and will provide the Student Conduct Panel with an explanation for its decision.
18. The Chair shall determine the effective date of any conduct sanctions imposed, which effective date should be on or after the exhaustion of the appeal as a matter of right. However, interim measures may remain in place, or be instituted, until the effective date of any conduct sanctions.
19. The Chair's written findings and information about appeal rights, shall be provided to the respondent. When FERPA allows, the complainant will receive the permitted information simultaneously.
20. The audio record of the hearing shall be the property of the institution and shall be maintained by the Assistant Dean of Students for Community Standards and Responsibilities. No other person may record the hearing.
21. The audio record and its contents shall be confidential and may only be used for purposes of any appeals. Any person who discloses the contents of the audio record to parties not involved in the appeal shall be subject to conduct sanction.
22. In the event of an appeal, the respondent shall be given access to the audio record for purposes of preparing an appeal. Access shall be provided at such places and times as the Dean of Students may direct.
23. Except as required by law, the institution shall not be required to change the form in which the record is maintained.

VII. INDIVIDUAL CONDUCT SANCTIONS

- A. In each case in which the Chair determines that a respondent has violated the Student Code, the Chair shall determine and impose appropriate conduct sanction(s). Where a violation of university policy is established, and where a conduct sanction is mandated under University Policy, that conduct sanction shall be imposed.

Conduct sanction decisions must be made for the purpose of deciding how best to enforce the Student Code and should reflect a proportionate response to the violation.

- B. Complainants shall be informed in writing and at the same time as the respondent of any outcome and conduct sanctions imposed in the following circumstances:
 1. When the conduct sanction involves remedial action that directly relates to the complainant (such as a directive requiring the respondent to not have contact with the complainant)
 2. Where the allegations against the respondent would also constitute a crime of violence or non-forcible sex offense as defined by FERPA

3. Where the institution finds that a hostile environment exists, the Institution shall also inform the complainant of other steps the institution has taken to eliminate the hostile environment.
- C. FERPA allows institutions to disclose the final results of a conduct proceeding when the Chair determines that the respondent violated the Student Code and that violation falls within the definition of a crime of violence or a non-forcible sex offense as defined by FERPA. For purposes of this subsection, “final results” means the name of the respondent, the violation committed, and any conduct sanction(s) imposed by the institution.
- D. FERPA allows institutions to inform the parents or legal guardians of a respondent younger than twenty-one (21) years of age that the respondent has violated Institutional Policies concerning the use or possession of alcohol or controlled substances.
- E. The following conduct sanctions may be imposed upon any respondent found to have violated the Student Code. More than one of the conduct sanctions listed below may be imposed for any single violation. Imposition of a conduct sanction may be delayed or suspended on such conditions as the Student Conduct Officer may prescribe.
1. Warning – A statement to the respondent that the respondent has violated the Student Code of Conduct.
 2. Probation – Probation is for a designated period of time and includes the probability of more severe conduct sanctions if the respondent is later found to have engaged in any additional violation(s) the Student Code during the probationary period.
 3. No Contact Directive – student is prohibited from communicating with identified persons. All forms of communication are prohibited including written, oral, electronic, social media, or asking others to communicate on the student’s behalf.
 4. Trespassed – student is prohibited from entering designed spaces on campus, is prohibited from entering the entire premises of Augustana University or is prohibited from attending any (or designated) event, program, or activity sponsored by Augustana University both on or off campus.
 5. Loss of Privileges – Denial of specified privileges for a designated period of time. The privileges of continued participation in Institutional activities, access to Institutional facilities or residences may be conditioned upon participation in or completion of educational programming at the student’s expense.
 6. Fines – Monetary payments.
 7. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service, money, or material replacement.
 8. Educational Sanction – work assignments, essays, service to the Institution, community service, workshops, or other related educational activities.
 9. Residence Suspension – Separation of the respondent from the Institution’s residence facilities for a definite period of time, after which the respondent is eligible to return. Conditions for return to the residence facilities may be specified.
 10. Residence Expulsion – Permanent separation of the respondent from the institution’s residence facilities. A sanction of residence expulsion will take the form of residence suspension pending completion of the appeals process.

11. Suspension – Separation of the respondent from the institution for a definite period of time after which the respondent is eligible to return if conditions for return have been met. Respondent must reapply to Augustana after the suspension has been completed if desirous of returning to campus.
 12. Expulsion – Permanent separation of the respondent from the Institution. Permanent termination of enrollment status, revocation of rights to be on the premises for any reason or attend Augustana-sponsored events.
 13. Withholding Degree – the institution may withhold awarding a degree otherwise earned until the completion of the student conduct process or the completion of all conduct sanctions imposed.
 14. Revoking Admission and/or Degree – the institution may revoke admission to, or a degree awarded from, the institution for violation of Institutional standards for obtaining admission or the degree, or for other serious violations of the Student Code committed by the respondent prior to graduation.
- F. Conduct sanctions shall not be made part of the respondent's permanent academic record, but shall become part of the respondent's conduct record. The respondent's conduct record containing conduct sanctions other than suspension, expulsion, revoking admission and/or a degree, or withholding a degree, will be expunged seven (7) years after the date of the original finding of a violation of the Student Code. The respondent's conduct record containing any of the four conduct sanctions above shall be maintained permanently. Where restitution is required of a respondent, the institution reserves the right to disclose all portions of the conduct file as may be necessary to obtain a judgment in a court of competent jurisdiction. Such files shall be preserved at least until all necessary compensation has been obtained.

VIII. ORGANIZATIONAL CONDUCT SANCTIONS

- A. The following conduct sanctions may be imposed upon organizations:
1. Warning – A statement to the organization that the organization has violated the Student Code of Conduct.
 2. Probation – Probation is for a designated period of time and includes the probability of more severe conduct sanctions if the organization is later found to have engaged in any additional violation(s) the Student Code during the probationary period.
 3. Loss of Privileges – Denial of specified privileges for a designated period of time. The privileges of continued participation in Institutional activities, access to Institutional facilities or funding. This may be conditioned upon participation in or completion of educational programming at the student's expense.
 4. Fines – Monetary payments.
 5. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service, money, or material replacement.
 6. Educational Sanction – work assignments, essays, service to the Institution, community service, workshops, or other related educational activities.
 7. Suspension – Separation of the organization from the institution for a definite period of time after which the organization is eligible to return if conditions for return have been met. Organization must reapply to Augustana after the suspension has been completed if desirous of returning to campus.

8. Expulsion – Permanent separation of the organization from the Institution.

IX. APPEALS

A. Appeal as a Matter of Right

1. The respondent may appeal a decision reached by the Chair. The appeal must be in writing and must be submitted to the Dean of Students no later than five days after notice of the Chair's decision is deemed received. Sanctions or conditions may not be increased, introduced for the first time, or extended.
2. The written appeal must cite at least one of the following reasons for review and must include supporting arguments and documentation as to why an appeal should be granted on those grounds.
 - a. A procedural error or omission occurred that significantly impacted the outcome of the hearing (such as substantiated bias, material deviation from established procedures, etc.).
 - b. The sanction imposed is substantially disproportionate to the severity of the violation.
3. An appeal shall be limited to a review of:
 - a. The verbatim record of the initial hearing
 - b. Supporting documents submitted as part of the initial hearing
 - c. Supporting documents submitted in support of the appeal
4. The Dean of Students will provide the other party a copy of the appeal and a reasonable amount of time to submit any materials to be considered.
5. The Dean of Students will review the materials submitted and will provide a written decision to the parties and to the Assistant Dean of Students for Community Standards and Responsibilities.

B. Final Appeal

1. The respondent may appeal a decision reached by the Dean of Students to the Associate Vice Provost for Integrated Learning and Student Life. The appeal must be in writing and must be submitted to the AVP no later than five days after notice of the Dean of Student's decision is deemed received.
2. The written appeal must cite at least one of the following reasons for review and must include supporting arguments and documentation as to why an appeal should be granted on those grounds.
 - a. A procedural error or omission occurred that significantly impacted the outcome of the hearing (such as substantiated bias, material deviation from established procedures, etc.).
 - b. The sanction imposed is substantially disproportionate to the severity of the violation.
3. An appeal shall be limited to a review of:
 - a. The verbatim record of the initial hearing
 - b. Supporting documents submitted as part of the initial hearing
 - c. Supporting documents submitted in support of the appeal
4. The AVP will provide a written decision to the parties and to the Dean of Students.

C. New Evidence:

1. New evidence that could not have been previously discovered and that, had it been presented at the initial hearing, would have substantially affected the original decision will be treated as grounds for a new hearing by the original judicial body.
2. To consider new evidence, unknown or unavailable during the original hearing or investigation, a summary of this new evidence and its potential impact must be submitted in writing to the Dean of Students no later than five days after notice of the Chair's decision is deemed received.
3. The Dean of Students will review the new evidence to determine if the new information would have substantially affected the original decision of the hearing.
 - a. If the Dean of Students finds the new evidence would have substantively affected the original hearing, the Dean of Students returns the case to the Student Conduct Officer for a new hearing.
 - b. If the Dean of Students finds the new evidence would not have substantively affected the original hearing, the Dean of Students sends written notification that the case will not be heard again.
 - c. There is no additional appeal process for new evidence.

X. REVISIONS TO THE CODE OF STUDENT CONDUCT

Because this code of student conduct cannot anticipate every circumstance regarding institutional policy, Augustana University reserves the right to amend, supplement, interpret, rescind, or deviate from policies from time to time as it deems appropriate based on the facts and circumstances surrounding each situation in its sole and absolute discretion. The contents of this code of student conduct published on the Augustana University's website supersede and revoke all prior statements of policy.