



Student Code of Conduct

A. INTRODUCTION

Augustana University's student code of conduct is committed to fostering an environment that promotes informed citizenship, respect for human community and fairness in educational opportunities. The following statements of policy define appropriate conduct and apply to all enrolled students. Each student bears responsibility for their conduct and assumes 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 restoration of the living and learning community guided by the institution's mission and values.

B. 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 personal development. 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 board members.

C. STANDARDS OF BEHAVIOR

1. 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. 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.
 - a. The Dean of Students or a designate may place a student on an involuntary withdrawal in the instance that the student is
 - i. unable to function as a student, defined as any person enrolled and participating in Augustana University courses and sponsored programs.

- ii. there is a reasonable basis to believe the student has engaged, or threatened to engage, in conduct that has caused or is likely to cause serious disruption to the rightful activities of the University including education, living, or university sponsored programs and operations (See Section E.8 Threat of Harm to Self, Others or Property)
- 2. Communication is a vital part of a healthy community. Students are expected to check their Augustana email daily as this is a primary way of transmitting official communication to students, faculty, and staff.
- 3. Amnesty- Seeking assistance when faced with a matter of safety and security far outweighs the consequences of a policy violation. Therefore, no student seeking help for oneself or for others will be subject to disciplinary action directly related to an incident requiring assistance provided the student acts in good faith and cooperates with university officials.

D. DEFINITIONS

- 1. Accommodation: Reasonable adjustments for a documented disability that enables a student to engage fully in the conduct process. Human resources such as sign language interpreters do not count as the student's one advisor, but will adhere to the same rules for interacting with the conduct process as the advisor outside of their capacity as an accommodation provider.
- 2. 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, or 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 any participants or student conduct officers during the hearing.
- 3. Augustana: Augustana University, Sioux Falls, South Dakota.
- 4. 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.
- 5. Charge: an allegation of a potential violation of a policy, standard, or rule.
- 6. Complainant: any person who submits information indicating that a student may have violated the Student Code of Conduct.
- 7. Dean of Students: The institutional official exercising primary authority over institutional student affairs programs and operations or designee.
- 8. Drugs: Illegal Substances or controlled substances obtained, possessed or used illegally, including cannabis and its derivatives used for recreational or medical purposes, as defined by the Drug Free Schools and Communities Act of 1989
- 9. FERPA: the Family Educational Rights and Privacy Act of 1974, as amended.
- 10. Hearing: any meeting, conference, or other formal review processes in which decisions are made regarding matters of student conduct.
- 11. Institution: Augustana University, Sioux Falls, South Dakota.
- 12. Investigation: the follow through on a complaint to ascertain details and circumstances associated with a complaint alleging a violation of the Code.

13. Notice: Notification 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.
14. 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.
15. Policy: The written regulations of the institution as found in, but not limited to, this Student Code, Residence Life Community Standards, the Graduate and Undergraduate Catalogs, and other official publications.
16. 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.
17. Respondent: any student or organization charged with a violation of the Student Code of Conduct.
18. Sanction: is used to describe remedies and/or requirements given to a student in response to a violation of the Student Code of Conduct.
19. Student: any person enrolled and participating in Augustana University courses and sponsored programs. The status of student begins at the moment a person is enrolled at Augustana and lasts for as long as the student maintains a continuing academic relationship with Augustana University.
20. Student Code of Conduct/Student Code/Code: The Student Code of Conduct contained in this University Policy.
21. Student Conduct Officer: Any institutional official authorized by the Dean of Students to determine whether a respondent has violated the Student Code, and if so, to impose appropriate sanctions.
22. Student Conduct Panel: The panel that hears formal hearings as designated by the Office of Responsibilities and Community Standards. This consists of the Assistant Dean of Students for Responsibilities and Community Standards or a designate who serves as Panel Chair and a trained slate of Augustana employees designated by the Dean of Students Office.
23. University: Augustana University, Sioux Falls, South Dakota.
24. University Day: A day when the university is open and operational. (also: Business Day, Operational Day.)
25. University official: any person employed by the University who performs assigned administrative or professional responsibilities.

E. 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.

1. Academic Dishonesty

- a. Full Academic Integrity Policy Students are expected to comply with the University Honor Code.
- 2. Disruption, Obstruction, or Interference with Institutional Activities
 - a. 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.
 - b. Disruptive academic 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.
 - c. 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.
 - d. Disorderly or disruptive conduct- Disorderly or disruptive conduct is prohibited on university premises and at university-sponsored activities. Disorderly or disruptive conduct is an act that intentionally or unintentionally obstructs teaching, learning, research, administration, disciplinary procedures, freedom of movement, housing, dining and other lawful activities on the University premises and at university-sponsored events for either the alleged student or others within the campus community. 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.
 - e. Failure to comply- Failure to comply with the request or 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.
 - f. 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, disrupting or interfering with the orderly process of a hearing, or sharing confidential information obtained as a participant of the student conduct process.
- 3. Misuse of Institutional Resources or Property, or Personal Property of Others
 - a. 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.

- b. The following are examples of misconduct:
 - i. Activities that jeopardize the security and integrity of the University's technology system.
 - ii. Activities that create a hostile (harassing or threatening) work and/or study environment.
 - iii. 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.
 - iv. Sharing university-issued logins/passwords or of any other entity is prohibited. Students are responsible for safeguarding assigned passwords from unauthorized use.
 - v. 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.
 - vi. 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.
- 4. 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 Associate Vice President of Campus Safety and Logistics.
- 5. 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.
- 6. 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.

7. 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.
8. Threat of Harm or Actual Harm to a Person's Physical or Mental Health or Safety
 - a. 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.
 - b. Bullying and Cyberbullying- Repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or emotionally.
 - c. Harassment- Forms 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.
 - d. Hazing- Augustana University prohibits the participation, permission or promotion of any behavior that humiliates, ostracizes, abuses or endangers an individual, with the actual or perceived expectation of someone joining or participating in a group or its activities, regardless of consent by any person involved.
 - e. Intimidation- An implied threat or act that causes an unreasonable fear of harm in another.
 - f. 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.
 - g. Sexual Misconduct- [View the Sexual Misconduct \(Title IX\) Policy](#) 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.
 - h. 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.
9. Housing and Living Groups- [View Community Standards](#) Students residing or the guest of residents of on campus living facilities are expected to comply with Augustana University Residence Life Community Standards
10. Use and Misuse of Substances
 - a. Alcoholic Beverages- The possession and use of alcoholic beverages on the premises and at university sponsored functions are prohibited unless expressly approved prior to the event by University officials. The following provides additional clarification regarding alcohol-related standards and procedures:

- i. 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.
 - ii. Alcoholic beverage use is permitted in designated housing facilities (theme houses and apartments) when students are 21 years of age or older.
 - iii. Intoxication and other alcohol-related behavior are not condoned.
 - iv. Alcoholic beverage paraphernalia which encourages irresponsible drinking behavior is prohibited.
 - v. The possession of alcoholic beverage containers, either full or empty, is taken as a presumption of use and possession.
 - vi. It is a violation, even when present in a defined location such as a residence hall room where alcoholic beverage containers are present.
 - b. Drugs- The use, distribution and/or possession of drugs (as defined in section D.8) and is prohibited on the premises and at university sponsored activities. The following provides additional clarification regarding related standards and procedures:
 - i. 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.
 - ii. The possession of drug-related paraphernalia such as bongs and pipes is a violation of state law and may be referred to law enforcement officials.
 - c. Tobacco
 - i. 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.
- 11. Violation of Policy or Laws- Students are expected to abide by all applicable rules and regulations to include but not limited to:
 - a. Published Augustana policies, rules, or regulations
 - b. Federal, state, or local laws
 - i. Any student convicted of a criminal offense is subject to university conduct action.
- 12. Conduct by Organizations- Organizations that, formally or informally through repeated practice, initiate, encourage, support, or tolerate conduct by members, associates, or invitees that violate the provisions of this Student Code shall be subject to conduct sanctions.
 - a. Student organization funds may not be used to purchase weapons, alcohol, tobacco, or drugs or sponsor an event where weapons, alcohol, tobacco or drugs are present.
 - b. Advertising that promotes the use of alcoholic beverages is not permitted.
 - c. 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:
 - d. Prohibit the manufacture, possession, use, dispensing, or provisions of alcoholic beverages at organizational functions by persons under the age of 21
 - e. Prohibit the manufacture, possession, use, or dispensing of tobacco and drugs or unauthorized controlled substances at organizational functions.

- f. Prohibit the collection of monies from members, associates, or invitees to be spent on alcoholic beverages, tobacco, drugs, or controlled substances
- g. 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

F. STUDENT CONDUCT PROCESS

1. Students who require a reasonable accommodation for a documented disability to engage in any portion of the conduct process should contact the Office of Accessibility at 605.274.4631.
2. Reporting a Potential Policy Violation- Any member of the Augustana University community may report an incident involving a student. All complaints must be in writing. Report forms are found at <https://www.augie.edu/orcs>
 - a. Reports should be filed within 10 University days of the incident. Consideration for extension may be given for extenuating circumstances at the discretion of the Office of Responsibilities and Community Standards.
 - b. Reports falling under the sexual misconduct policy have no statute of limitations.
3. Interim Actions- In certain circumstances, the Dean of Students or a designate 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.
 - a. Interim actions may include, but are not limited to, “no contact” orders, relocation in campus housing, adjustments to class schedule, suspension, and/or denied access to the premises and/or all other activities or privileges for which the student might otherwise be eligible.
4. Preliminary Procedures
 - a. The Assistant Dean of Students for Responsibilities and Community Standards shall make an initial determination whether the allegations, if true, would violate the Student Code of Conduct. This process may include speaking with witnesses and reviewing any documentation.
 - b. The Assistant Dean of Students for Responsibilities and Community Standards shall determine whether alleged conduct, if it occurred off-campus, adversely affects the institution, any organizations, or members of the institutional community.
 - c. If the Assistant Dean of Students for Responsibilities and Community Standards 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 Responsibilities and Community Standards should inform the complainant of this determination and that the allegations may be resubmitted should additional information become available.
 - d. If the Assistant Dean of Students for Responsibilities and Community Standards determines that the allegations, if true, would violate the Student Code and determines that the allegations are credible and will be investigated, the assigned Student Conduct Officer shall provide written notice to the respondent within five (5) University days of receiving the

report of alleged misconduct. The written notice to the respondent must include the following:

- i. The alleged behavior that would be a violation of the Student Code;
- ii. The date and location of the alleged behavior;
- iii. The section(s) of the Student Code alleged to have been violated;
- iv. The name of the complainant;
- v. 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;
- vi. Information about the right to have an advisor present throughout the student conduct process;
- vii. Information about both the informal and formal resolution processes;
- viii. The option to conduct the process, either formally or informally.
- ix. Virtual hearings are approved at the discretion of the Office of Responsibilities and Community Standards and solely in the instance that a respondent is unable to meet in person on the Augustana University, Sioux Falls, SD campus. Participants must be in a private room with camera and microphone on for the duration of the hearing.
- x. A time for a hearing to occur no later than ten (10), University days after this written notice is sent to address any alleged violations that are not informally resolved;
- xi. The maximum time limit may be extended at the discretion of the Assistant Dean of Students, ORCS for circumstances that would significantly impact a student's due process and/ or the outcome of the hearing.
- xii. 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.

5. Investigation

- a. 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.
- b. The Assistant Dean of Students for Responsibilities and Community Standards may choose to refer any investigation to the Associate Vice President of Campus Safety & Logistics.

6. Resolution Types- It is at the discretion of the Assistant Dean of Students for Responsibilities and Community Standards as to whether the case will utilize the informal resolution process or be referred directly to the formal resolution process. Cases where a potential sanction may include the significant loss of privileges, suspension or expulsion will be heard by the Assistant Dean of Students for Responsibilities and Community Standards, a designate or a Student Conduct Panel, regardless of resolution type.

- a. Informal Resolution- A Student Conduct Officer may accept an informal resolution from the responding student if the following criteria are met in writing:
 - i. The respondent accepts an outcome of “Responsible” for the alleged policy violations outlined in their conduct letter.
 - ii. The parties involved mutually agree to a full resolution of the alleged policy violation that is acceptable to the Student Conduct Officer. In some cases, the complainant may be designated as the Office of Responsibilities and Community Standards.
- b. Partial Formal Resolution- The responding student may accept an outcome of “Responsible” for the alleged policy violations but request a formal hearing for the sanctioning process.
- c. Formal Resolution- The Assistant Dean of Students for Responsibilities and Community Standards may refer a formal hearing to a designated Student Conduct Officer or Student Conduct Panel.

The Student Conduct Panel may include current employees of Augustana University who have been authorized and trained to hear cases involving student conduct. The Panel will be chaired by the Assistant Dean of Responsibilities and Community Standards.

Failure to Complete an Informal Resolution- The assigned Student Conduct Officer may still adjudicate the formal hearing if an informal resolution cannot be met.

In some cases, the complainant may be designated as Office of Responsibilities and Community Standards.

- i. Both the complainant and the respondent will be provided notice of the identity of the Hearing Officer or member(s) of the Student Conduct Panel. Both parties may request in writing 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 Office of Responsibilities and Community Standards no later than twenty-four (24) hours after the notice is provided to both parties. The Assistant Dean of Students for Responsibilities and Community Standards or a designate shall make a final decision as to these requests and will provide notice to both parties of the decision.
- ii. Hearings shall be conducted in private. Complainants and respondents are permitted to have one self-selected advisor who may act as a support for the student but not directly interact with the hearing procedure. Any associated cost for an advisor will be at the student’s expense. The Office of Responsibilities and Community Standards can assist in connecting students with campus partners who can act as advocates.
- iii. Witnesses may only be present during the time of their direct contribution to the investigation or hearing.
- iv. The Student Conduct Officer or Student Conduct Panel Chair will have sole discretion 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
- v. 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 of Conduct.
- vi. 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 University to gather sufficient evidence to reach a fair, impartial determination as to whether the alleged violation of the Student Code occurred.
- vii. 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 must be submitted to the Student Conduct Officer or Student Conduct Panel Chair in writing at least 24 hours prior to the start of the hearing. The Chair will promptly provide the other party and the Student Conduct Panel members a copy of any materials, documents, and witness lists submitted.
- viii. The Student Conduct Officer or Student Conduct Panel Chair may record the audio of the hearing, and has sole discretion to approve recording by any other party.
- ix. 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 themselves
 - 4. That the refusal to speak as a witness against themselves 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.
 6. 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.
- d. The Chair will provide the respondent the opportunity to engage in the hearing. If the respondent agrees to engage, then
1. 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.
 2. 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.
 3. The Student Conduct Panel will then ask questions of the witness.
 4. The Chair will ask the complainant for any questions for the witness. The complainant will provide the Chair with any questions in writing.
 5. The Chair will ask the witness any questions provided by the complainant that the Chair determines to be relevant.
 6. 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.
- e. 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.
- f. The Student Conduct Panel will meet in a closed session to discuss and make its recommendation. The closed session shall not be audio recorded.
- g. 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.
- h. 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. These written findings shall include:
1. Concise statements of each factual finding;

2. Brief explanations of whether and why the factual findings support a conclusion that the conduct either violated or did not violate the Student Code;
3. These must address each factual element that must be satisfied to establish that conduct has violated the Student Code.
4. Any initial, interim, or final decisions by the institution; and
5. If a responsible outcome is found, recommendations of appropriate conduct sanctions and supporting rationale for the conduct sanctions.
- i. 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.
- j. 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.
- k. 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.
- l. 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.
- m. The audio record of the hearing shall be the property of the institution and shall be maintained by the Assistant Dean of Students for Responsibilities and Community Standards. No other person may record the hearing.
- n. 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.
- o. 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.
- p. Except as required by law, the institution shall not be required to change the form in which the record is maintained.

G. INDIVIDUAL CONDUCT SANCTIONS

1. Where a violation of university policy is established and a student found responsible, conduct sanction(s) shall be imposed. Conduct sanction decisions are made for the purpose of holding students accountable to the Student Code and reflect a proportionate response to the violation.
2. 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:
 - a. 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)
 - b. Where the allegations against the respondent would also constitute a crime of violence or non-forcible sex offense as defined by FERPA

- c. 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.
3. 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.
4. 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.
5. 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.
6. Level 1 Sanctioning
 - a. Warning – A statement to the respondent that the respondent has violated the Student Code of Conduct reminding them of the expected standard of behavior
 - b. Educational Sanction – reflective assignments, workshops, service to the Institution, community service, or other related educational activities intended to equip a student with positive decision-making skills
 - c. Restorative Sanction- Interpersonal commitments such as apologies, mediation, etc designed to reestablish a student’s commitment to being a positive community member
 - d. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service, money, or material replacement.
7. Level 2 Sanctioning
 - a. 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) of the Student Code during the probationary period.
 - b. No Contact Directive – A 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.
 - c. Trespass from events/ facilities– student is prohibited from entering designated events or 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.
 - d. Loss of Privileges – Denial of specified privileges for a designated period of time. The privileges of continued participation in Institutional activities may be conditioned upon participation in or completion of educational programming
 - e. 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.

- f. 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.
 - g. University 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. See also: Involuntary Withdrawal
 - h. University 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.
 - i. 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.
 - j. 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.
8. Failure to complete a sanction- Any student who does not complete their assigned sanction(s) to the satisfaction of the assigned conduct officer shall be placed on a registration hold, to be lifted upon successful completion of sanction(s).
 9. 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.
 10. 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.

H. ORGANIZATIONAL CONDUCT SANCTIONS

1. Sanctions imposed on an organization may be combined with individual sanctions at the discretion of the Student Conduct Officer or Panel.
2. The following conduct sanctions may be imposed upon organizations:
3. Level 1 Sanctions
 - a. Warning – A statement to the organization that the organization has violated the Student Code of Conduct.
 - b. 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) of the Student Code during the probationary period.
 - c. Educational Sanction – work assignments, essays, service to the Institution, community service, workshops, or other related educational activities.

- d. Restorative Sanction- Interpersonal commitments such as apologies, mediation, etc designed to reestablish a student organization's commitment to being a positive community member
 - e. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service, money, or material replacement.
- 4. Level 2 Sanctions
 - a. 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.
 - b. 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 complete annual registration after the suspension has been completed if desirous of returning to campus.
 - c. Expulsion – Permanent separation of the organization from the Institution.

I. APPEAL

1. Appeal as a Matter of Right- The respondent may appeal a decision reached by the Chair. The appeal must be in writing and must be submitted to the Office of Responsibilities and Community Standards 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. New evidence, confirmed by the initial hearing officer, which would potentially change the outcome of the conduct hearing.
3. An appeal shall be limited to a review of:
 - a. The verbatim record of the initial hearing if recorded
 - b. Supporting documents submitted as part of the initial hearing
 - c. Supporting documents submitted in support of the appeal
4. The Dean of Students or designate will have discretion on notification of an appeal to the complainant
5. The Dean of Students or a designate will review the materials submitted and will provide a written decision to the parties and to the Assistant Dean of Students for Responsibilities and Community Standards.

J. 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 or a designate. 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. New evidence, confirmed by the initial hearing officer, which would potentially change the outcome of the conduct hearing.
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 or their assigned designate will provide a written decision to the Office of Responsibilities and Community Standards.

K. REVISIONS TO THE CODE OF STUDENT CONDUCT

1. The Code of Student Conduct will be reviewed annually by the Office of Responsibilities and Community Standards beginning every spring and published by the first day of classes of the fall semester. However, 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 as it deems appropriate based on the facts and circumstances surrounding each situation in its sole and absolute discretion.
2. The contents of this code of student conduct published on the Augustana University's website supersede and revoke all prior statements of policy.
3. Students wishing to discuss current or future policies may contact the Office of Responsibilities and Community Standards or a representative of the Augustana Student Association who acts as the administrative body for student needs and concerns.

Last Revised August 2023