

Student Conduct Hearing Procedures

Students at Auburn University may resolve alleged violations of the Code of Student Conduct informally through an Informal Conference or formally through a Student Conduct Committee Hearing. The information below describes the Student Conduct Hearing panels, procedures, and resolutions.

Scheduling of Hearing

Upon referral of the case to the Student Conduct Committee, Student Conduct shall provide a written notice to the charged party and the charging party of the hearing procedures. Student Conduct shall also inform the charged party and charging party of the opportunity to meet with the student conduct officer prior to a hearing in order to clarify procedures. All parties shall be notified of the time, date, and location of the hearing and the specific charge(s) being considered no less than seven (7) working days between the date of notification and the date of the hearing.

Membership

Membership - The [Student Conduct Committee](#) is responsible for conducting Student Conduct Hearings. Membership on the committee includes the Director of Student Conduct (non-voting), or their designee, eleven (11) faculty members, one (1) staff member, two (2) graduate students, and ten (10) undergraduate students.

Hearing Panel Makeup – This committee selects a Hearing Panel to evaluate the information provided during a hearing and determine if the student is responsible for violating the Code of Student Conduct. A Hearing Panel includes two (2) university officials (faculty and staff), two (2) students (undergraduate or graduate), and one (1) faculty member chairperson. In student organization cases, a representative from the respective council (Panhellenic Council, National Pan-Hellenic Council, or Organizations Board) will serve as one of the two (2) student representatives. The council representative may not be a charging or charged organization member.

Chairperson Responsibilities - The Chairperson of the Hearing Panel will lead the hearing and exercise their discretion to provide a fair process. All procedural questions are subject to the final decision of the Chairperson. The Chairperson will use a script to conduct the hearing. The Chairperson can request the appearance of additional witnesses if witnesses could present information that could assist in case resolution. Records, exhibits, and written statements may be accepted as information for consideration by the Hearing Panel at the Chairperson's discretion if they are relevant to the hearing.

Pre-Hearing Procedures

Documentation - The charged student and the charging party may submit documentation for consideration in the hearing. Both parties have three (3) working days from the date of the notice of the hearing to submit documentation. The submitted documentation should be provided on Student Conduct's Documentary Information and Witness Submission Form. This form can be found on Auburn's Student Conduct website in the "Forms" section in the "Policy & Resources" tab. Documentation may include information about the incident, a response to the charges, names of known witnesses, and information to be presented at the hearing. All information submitted will be accessible to the Hearing Panel and both parties before and during the hearing.

Witnesses – Students may ask witnesses to attend the Student Conduct Hearing to support their case. Witnesses should be scheduled to appear or provide a written statement before the Student Conduct Hearing. Before the hearing, each party must submit a list of witnesses, including either a written statement or a brief description of each witness's testimony's relevance to the proceeding.

Review of Documentation - The Chairperson of the Hearing Panel, the charged party, and the charging party may review (but not copy) any witness lists, statements, and written documentation at least two (2) working days before the date of the hearing in the Student Conduct Office or at another location as appointed by the Director of Student Conduct. Members of the Hearing Panel will review the documentation before the hearing begins.

There is to be no communication between parties to the hearing, including witnesses and members of the hearing panel, outside the formal hearing process, from the written notice of the hearing through the hearing resolution, including any subsequent appeals, are resolved.

Burden of Proof - The burden of proof rests with the charging party and will be satisfied by a preponderance of the information. If the Hearing Panel determines it is more likely than not that the charged party violated the Code of Student Conduct, they will be found responsible.

Recording - There shall be an official digital recording of the hearing made by Student Conduct, and it will be the university's property. No other participants are permitted to record the proceedings. Deliberations made by the Hearing Panel shall not be recorded.

Facilities - To address concerns for the personal safety, well-being, and fears of the interactions between parties, the Hearing Panel may provide separate facilities by using a visual screen and by permitting participation by telephone, audio recording, written statement, remote meeting software, or by other means determined by the Chairperson. In compliance with federal law, Student Conduct will make reasonable accommodations for individuals with disabilities who are registered with the Auburn University Office of Accessibility.

Hearing Procedures

Student Conduct Hearings are conducted in a businesslike manner but without unnecessary formality. While the charge of violation of the Code of Student Conduct is a serious matter, there is no desire to make participants feel uncomfortable during the hearing process.

Location – Student Conduct Hearings are typically held in the Melton Student Center. If the charging and charged party attend, they will wait in separate designated areas before the hearing starts, during any recesses, and during Hearing Panel deliberations.

Failure to Attend - If either the charged party or the charging party does not attend the hearing, the Hearing Panel may hear and resolve the case based on the available information.

Attendees – Student Conduct Hearings are closed to the public. The only attendees are Student Conduct personnel or designees, the charging party, the charged student(s)/representative of a charged student organization, advisors to charged and charging parties, and Hearing Panel members in the hearing room. Witnesses may be present for questioning as appropriate.

Advisors – Charged and charging parties have the right to have an advisor present throughout the student conduct process. This advisor may advise the student or student organization but may not represent the student or student organization. A student or student organization should select as an advisor a person who is able to be present at the scheduled date and time for student conduct proceedings. Delays will not normally be allowed due to scheduling conflicts of an advisor. A student or student organization's advisor is allowed to be present in student conduct proceedings only while the student or student organization representative is present.

Documentation Presented at the Hearing - If either party fails to submit documentation before the hearing but brings documentation on the day of the hearing, the Chairperson will determine if the information will be allowed to be presented during the hearing. Information presented on the day of the hearing will be reviewed by the other party at the beginning of the hearing. The party submitting information on the day of the hearing must present their case to the Chairperson as to why the information wasn't submitted before the hearing. After reviewing the submitted documentation, the other party can argue why the information should not be allowed in the hearing.

Procedures - The charging party and the charged student/student organization will appear before the Hearing Panel to be informed of the procedures, including the fact that the hearing (excluding deliberations) will be recorded and that both parties (charged student/student organization and charging party) have the right to be present, excluding Hearing Panel recesses, or until the deliberation phase of the hearing.

Acceptance or Denial of Responsibility - The charged party will be asked to respond to the charges by accepting or denying responsibility for each standard of community conduct the student is alleged to have violated.

Opening Statements - The charging party and the charged party can make an impact/personal/opening statement. Opening statements are limited to five minutes.

Presentation of Information - The charging and the charged party are responsible for presenting their own information. Advisors cannot present this information on their behalf. The charging party will first present their information and witnesses to the Hearing Panel and answer any questions the Hearing Panel members may have. Then the charged party will present their information and witnesses to the Hearing Panel and answer any questions.

Questioning - After each piece of information or witness is presented and Hearing Panel members have asked their questions, the other party can submit questions in writing to the chairperson of the Hearing Panel. After all the information is presented and reviewed, the Hearing Panel will have an opportunity to ask either party any final questions. Once the Hearing Panel has asked their final questions, the charged and charging parties will have an opportunity to ask final questions, in writing, via the chairperson of the Hearing Panel.

Closing Statements - After a brief recess, both parties can make a closing statement for up to five minutes. No new information can be presented during this time. After closing statements, charged, and charging parties and advisors shall leave the hearing, and closed deliberations will begin.

Deliberations and Voting

The Hearing Panel will deliberate regarding the case in a closed and confidential session. The panel will use the preponderance of the information standard, which means they will weigh whether it is more likely than not that the charged party is responsible for a violation of the Code of Student Conduct. No member may abstain from voting, and the chairperson will only vote in the case of a tie. A simple majority vote will determine the findings of the panel.

Deliberation - The Hearing Panel will first deliberate on standards of community conduct violations. It will determine “responsible” or “not responsible” for each standard of community conduct allegedly violated in the case. If the Hearing Panel finds a preponderance of information that a student/student organization is “responsible” for violating a standard of community conduct, they will then determine conduct outcomes. A charged party’s prior conduct record is not admissible when determining whether a student is responsible. However, if a student is found responsible for violating the Code of Student Conduct, the Hearing Panel may consider their prior conduct record to determine appropriate outcomes.

Decisions made by a Hearing Panel shall be final once an appeal deadline is passed, when the appeal process is exhausted, or when a student chooses not to appeal.

Notification of Outcomes

Student Conduct will notify the charged party and the charging party, as appropriate, of the decision of the Hearing Panel. No conduct outcome assigned by the Hearing Panel shall be enforced for five (5) working days after the Notification of Outcomes or after the completion of an appeal, whichever is later.

Appeals

Only cases decided in a hearing by a Hearing Panel may be appealed. Either the charged party or the charging party may submit an appeal. The appeal must be submitted in writing to Student Conduct within five (5) working days after receipt of the Notification of Outcomes. Appeals must meet at least one of the three criteria of appeal listed in Article IX, subsection C of the Code of Student Conduct.

Once Student Conduct receives an appeal, they will provide it to the opposite party. Upon receipt of the appeal, the charged and/or charging party may submit a written response within three (3) working days.

An Appeals Officer or an Appeals Panel will review appeals. Appeals in cases with conduct outcomes that do not include suspension or expulsion will be reviewed by an Appeals Officer. Appeals in cases with conduct outcomes, including suspension or expulsion, will be reviewed by an Appeals Panel consisting of one (1) faculty/staff member, one (1) student,

and one (1) faculty member chairperson who did not serve on the original hearing panel. A simple majority vote of the committee determines the outcome of the appeal.

The Appeals Officer or the Appeals Panel will either uphold the decision of the Hearing Panel, modify the decision, or require that the case be heard again by the same or a new Hearing Panel. The decision made by the Appeals Officer or Appeals Panel is final. For more information on the appeals process, please review Article IX of the Code of Student Conduct.

Expungement

A student may request in writing that their disciplinary record be expunged after all case outcomes have been completed. The Director of Student Conduct makes expungement decisions.

The student's record may not be expunged if their record includes more than one violation of the Code of Student Conduct, issued outcomes(s) were not completed by the required deadline, the student has expunged a record previously, the incident involved physical abuse, minor property damage, providing alcohol to minors, possession of drugs (except marijuana), distribution or sale of drugs, violation of the weapons policy, sexual misconduct, discrimination, or harassment, or the student record includes an outcome of suspension or expulsion.

For more expungement information, please review Article XI, subsection C of the Code of Student Conduct.

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