

## **STUDENT CODE OF CONDUCT**

### **Preamble**

The central commitment of the American University of Nigeria (AUN) is to develop thoughtful and responsible human beings with the highest moral and ethical standards, within the context of a very diverse yet collaborative academic environment. This commitment is founded on the following core values of the University: Tolerance and understanding among national, ethnic, and religious groups; Freedom of Expression; Non-discrimination in the admission and employment processes with regard to gender, age, religion, nationality, ethnicity, physical ability, political affiliation, or personal relationships. Excellence and integrity are the core principles that guide us.

This Student Code of Conduct is designed to benefit and assist the AUN community in forming the highest standards of ethics and morals among its students population and it is not in any way designed to either conform or conflict with any civil or criminal justice system of Nigeria. It is designed to foster the University's commitment to excellence and equity, while affirming the shared values that make community life possible. Students with alleged violations of the Student Conduct Code should contact the Office of judicial affairs to receive further information on disciplinary procedures.

### **I. Authority for Student Discipline**

Ultimate authority for all University policies is vested in the Board of Trustees of the American University of Nigeria. Nonacademic disciplinary authority has been delegated by the President to the Dean of Students to implement student conduct policies and take all necessary and appropriate action(s) to protect the safety and well-being of all members of the American University of Nigeria community.

In practice, the resolution of nonacademic disciplinary cases may involve an array of the University administrators, committees of students, staff, and faculty. Such resolutions or decisions are forwarded to the Dean of Students as recommendations. Students are expected to assume positions of responsibility in the University judicial system in order to contribute their skills and insights to the resolution of disciplinary cases. The University reserves the right to amend this Student Conduct Code at any time according to the established procedures.

### **II. Responsibilities and Rights**

A. Every student has a duty to read, understand and abide by the rules and regulations of the University. Ignorance of a rule or regulation will not be an acceptable defense. Students accused of disciplinary violations are entitled to the following procedural protections:

1. To be informed of the charges against them;
2. To request an informal resolution of the case;

3. To be allowed reasonable time to prepare a defense;
4. To hear and respond to evidence upon which a charge is based;
5. To call relevant witnesses and question the witnesses who testify in Code violation proceedings;
6. To be assured of confidentiality according to the terms of the University policy on confidentiality;
7. To request that any person conducting a disciplinary conference, or serving as a Conduct Council member or Hearing Administrator be disqualified on the grounds of personal bias;
8. To be provided with an opportunity to review these rights before any disciplinary conference or hearing;
9. To be considered not responsible for the charges until found responsible by a preponderance of evidence; and
10. To have reasonable access to the case file prior to and during the disciplinary conference or hearing.

### **III. Jurisdiction**

The Student Code of Conduct is the University's policy for nonacademic conduct offenses and applies to all students, student groups, and student organizations at AUN. The University retains jurisdiction over alleged infractions that occur during a student's matriculation or attendance at the University, including Fall, Spring, and Summer breaks and periods of leave of absence from the University. Therefore, a hearing may be scheduled after a student has completed a program, withdrawn, or graduated from the University.

Generally, the University will take disciplinary action for on-campus infractions of the Code. However, the University may take disciplinary action for off-campus infractions of the Code, when a student's behavior threatens or endangers the safety and well-being of the University community; when a student is the subject of a violation of local, state, or federal law; or when, in the judgment of the University officials, a student's alleged misconduct has a negative effect on the University's pursuit of its mission or on the wellbeing of the greater community.

### **IV. Violations of Laws and Regulations of the University**

Students may be accountable both to civil authorities and to the University for acts that constitute violations of law and of this Code. The University reserves the right to initiate disciplinary proceedings where the conduct of the student is unbecoming of a fit and proper person worthy of the University's degree recommendation.

## V. Definitions

*“Aggravated violation”*—a violation that resulted, or could have resulted, in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal University, or University-sponsored, activities.

*“Consent”*—words, or acts of conduct, indicating a freely given agreement to have sexual intercourse or to participate in sexual activities. Sexual contact will be considered —without consent, if no clear consent, verbal or nonverbal, is given; if inflicted through force, threat of force, or coercion; or if inflicted upon a person who is unconscious or who otherwise reasonably appears to be without the mental or physical capacity to consent.

*“Disciplinary Conference”*—a forum in which a hearing officer meets with a student to adjudicate an alleged violation of the Code.

*“Disciplinary Hearing”*—a forum in which a panel of the Conduct Council meets with a student to adjudicate an alleged violation of the Code.

*“Disorderly”*—conduct which a reasonable person under similar circumstances should be expected to know would disturb the peace.

*“Group”*—persons who are associated with each other, but who have not complied with University requirements for recognition as an organization.

*“Harassment”*— a form of discrimination consisting of physical or verbal behavior that:

is directed at an individual because of the individual’s age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, gender identity or other status; and is sufficiently severe or pervasive so as to substantially interfere with the individual’s employment, education or access to University programs, activities and opportunities.

*“Hearing Administrator”* – a staff member who conducts disciplinary hearings as set forth in section XV of this Code.

*“Hearing Officer”*: — a staff member who conducts disciplinary conferences as set forth in Sections XIV of this Code.

*“Jurisdiction”* - the ability to hear and decide a case.

*“Institution”* and *“University”*— American University of Nigeria and all of its undergraduate and graduate departments and programs.

*“Organization”*—an association of persons that has met University requirements for formal recognition.

*“Preponderance of evidence”*—a measure of proof that a reasonable person would accept as —more likely than not that a fact is true or an incident occurred.

*“Sexual violence”* any act of sexual intercourse or sexual penetration of any orifice of the body with a body part or other object that takes place against a person’s will or without consent or that is accompanied by coercion or the threat of bodily harm. [Also see —consent.

*“Reckless”*—conduct which a reasonable person under similar circumstances should be expected to know would create a substantial risk of harm to person(s) or property or which would otherwise be likely to result in interference with normal University or University sponsored activities.

*“Relevant”*—related to the charges at hand. Relevant information may be excluded by a hearing officer or administrator during a disciplinary conference or hearing if it is unfairly prejudicial.

*“Sexual harassment”*—unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: submission to such conduct is made explicitly or implicitly a term or condition of a person’s employment or academic advancement; submission to or rejection of such conduct by a person is used as the basis for employment decisions or academic decisions affecting such a person; or such conduct has the purpose or effect of unreasonably interfering with a person’s work or academic performance or creating an intimidating, hostile, or offensive working or academic environment. [Also see Sexual Discrimination and Harassment Policy]

*“Stalking”*—repeated and unwanted contact directed at any person, including contact by electronic means or by proxy, or the credible threat of repeated contact with the intent to place a reasonable person in fear for his or her safety or the safety of his or her family or close acquaintances.

*“University Premises”*—buildings and grounds owned, leased, operated, controlled, or supervised by the University.

*“University Sponsored Activity”* —any activity, on or off University premises, that is specifically initiated or supervised by the University.

*“Weapon”*—firearms, fireworks, explosives, metal knuckles, knives, or any other instrument designed, used or intended to be used to inflict injury to person or property.

“No Contest”---where the respondent neither admits nor disputes charges. Serving as an alternative to pleading guilty or not guilty.

## **VI. Prohibited Conduct**

This Code is not written with the specificity of a criminal statute, nor is it intended to cover every instance of potentially prohibited conduct. American University of Nigeria expects its students, wherever they are, to adhere to high standards of honor and good citizenship and to conduct themselves in a responsible manner that brings credit to themselves and the University.

Attempting to commit; aiding, abetting or inciting others to engage in any prohibited conduct is punishable under this Code and may be considered as serious as engaging in the violation itself. Retaliating against anyone who reports an alleged violation of the Code, a witness or participant in any Code proceeding or investigation is also prohibited.

### **THE FOLLOWING MISCONDUCT IS SUBJECT TO DISCIPLINARY ACTION:**

*A. Physical Abuse/Endangerment of a Person:* Includes but is not limited to physical assault causing bodily injury or harm, conduct which threatens or endangers the health or safety of any person(s), facilitating or participating in any mental or physical activity that creates a reasonable apprehension of harm.

*B. Sexual Misconduct:* Prostitution, engaging in lewd or indecent conduct and all forms of nonconsensual sexual activity including sexual violence; and sexual abuse such as unwanted sexual touching or fondling.

*C. Harassment or Stalking:* See definitions' section above.

*D. Weapons:* Using, possessing, distributing or manufacturing a material or device offensive or likely to be used to cause injury to another. No person shall possess, use or carry any weapon, ammunition or explosive unless specifically authorized by the University.

*E. Safety Hazards:* Unless explicitly authorized by the University any possession, use, carrying, manufacturing and/or distribution of fireworks on University property is forbidden. Tampering/interfering with fire or other safety equipment or setting unauthorized fires is also prohibited.

*F. Property Offences:* Stealing of property or services; knowingly possessing stolen property; willful or reckless destruction or defacement of property of the University or members of the University community;

*G. Unauthorized Entry or Use:* Entry, attempt to enter, or remaining without authority or permission in any University office, residence hall room, University sponsored event, or University premises; unauthorized use/abuse of University computer equipment, networks, systems, services, corporate name, logo, or symbols.

*H. Alcohol/Drugs/Substance Abuse:* Violation of University policies pertaining to substance abuse, use, possession, manufacturing, sale or distribution of any controlled substance, alcohol, illegal drug and/or illegal drug paraphernalia. It is also a violation for a student to be in the presence of any person(s) engaging in substance abuse, use of illegal drugs or alcohol on University premises contrary to established policies.

*I. Providing False Information:* Knowingly providing false statements about a Code violation or during a University investigation/proceeding; intentionally providing or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency.

*J. Fraud/Forgery:* In University matters not covered by the Academic Integrity Code – dishonesty; misrepresentation; fraud; forgery; or knowingly using false information, documents, or instruments of identification. This includes but is not limited to falsifying residence hall contracts, stealing another’s identity, forging a permit and misuse of official forms and meal tickets.

*K. Disrupting University Activities:* Intentionally or recklessly interfering with normal University or University sponsored activities, including but not limited to studying, teaching (including class sessions or office hours), research, University administration; or fire, police, or emergency services.

*L. Unruly Conduct:* Disorderly conduct including participating in a riot or interfering with the rights of others.

*M. Failure to Comply:* Willfully failing to comply with the directions of University officials, including public safety personnel or housing staff members who act in performance of their duties; violating the terms of any disciplinary sanction imposed in accordance with this Code.

*N. Violations of University Regulations:* Violation of other published nonacademic University regulations or policies including but not limited to gambling or gaming unbecoming of a University student; policies related to discrimination and discriminatory harassment, computer use, the residence halls, hazing, bullying, unauthorized use of vehicles, littering, and amplification of sound.

*O. Violations of Law:* Violation of local, state, or federal law that substantially affects the University’s mission or interest.

## **VII. Standards of Classroom Behavior**

Primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer suspensions from class or dismissal on disciplinary grounds for prohibited conduct under section VI of this Code may include interim suspension, as set forth in Section IX. All other violations under section VI of this Code must be preceded by a disciplinary conference or hearing, as set forth in Sections XIV and XV of this Code.

Academic dishonesty allegations are processed in accordance with procedures set forth in the Academic Integrity Code. Students could be subject to both the Student Code of Conduct and the Academic Integrity Code in cases where there is a combination of alleged violations of academic and nonacademic regulations. Where there is any conflict whether procedurally or otherwise, the Director of Judicial Affairs will put up a recommendation to both the DSA and Academic VP or those in charge.

## **VIII. Student Groups and Organizations**

Student groups and organizations may be charged with violations of this Code, as described below:

A. A student group or organization and its officers or members may be held collectively and individually responsible when violations of this Code by those associated with the group or organization have received the consent or encouragement of the group or organization or of the group's or organization's leaders or officers.

B. The officers or leaders or any identifiable spokesperson for a student group or organization may be ordered by the Dean of Students to take appropriate action designed to prevent or end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the Dean's order shall be considered a violation of this Code, both by the officers, leaders, or spokespersons for the group or organization and by the group or organization itself.

C. Sanctions for group or organization misconduct may include revocation or denial of registration or recognition, as well as other appropriate sanctions.

D. Student organizations, may appoint panels or boards to mediate disputes and enforce association bylaws. Decisions or recommendations by such panels or boards do not constitute official action by the University.

## IX. Interim Suspension

The Dean of Students or his/her designee may suspend a student from the University for an interim period pending disciplinary or criminal proceedings or a proceeding investigation or medical evaluation regarding the behavior relevant to such proceedings. The interim suspension will be effective immediately without prior notice whenever there is evidence that continued presence of the student at the University poses a substantial and immediate threat to him or herself, to others, or to the stability and continuance of normal University functions. Interim suspension excludes students from University premises and other privileges or activities. A student suspended on an interim basis could be given a prompt opportunity to appear personally before the Dean of Students or designee in order to discuss the following issues only:

The reliability of the information concerning the student's conduct, including the matter of identity; Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a substantial and immediate threat to him or herself, to others, or to the stability and continuance of normal University functions.

## X. Conduct Council

The Conduct Council will consist of students, faculty, and staff: students to be chosen by the Student Government Association; faculty to be chosen by the Faculty Senate or academic VP/Provost, and staff to be chosen by the Residence Hall Association or staff council. In addition, students, faculty, and staff may apply to become members of the Conduct Council by contacting their respective constituent units. The Dean of Students or his/her designee is responsible for training and providing administrative support to the Council. Among other duties, members of the Conduct Council will sit on hearing panels designed to resolve allegations referred for a hearing in accordance with Section XV of this Code.

A. The Conduct Council shall comprise of five (5) persons: one (1) student, two (2) faculty members, and two (2) staff members.

B. At the request of the Dean of Students or his/her designee, an *ad hoc* hearing panel of the Conduct Council may be established (selected from the existing Conduct Council or *bona fide* members of the AUN community) whenever a five-person hearing panel cannot be constituted, or is otherwise unable to hear a case. An *ad hoc* Conduct Council hearing panel may be composed of a minimum of three persons: one (1) faculty member, one (1) student member, and one (1) staff member of the Conduct Council (or *bona fide* members of the AUN community.)

C. The Conduct Council, or its *ad hoc* equivalent, shall have the power to render a decision by a simple majority, and the Chair or the Hearing Administrator, following reasonable deliberations, shall, on behalf of the panel, pronounce appropriate sanctions (sentence)

as prescribed, or set forth in the —Offences and Sanctions Guidelines in certain circumstance, the Director of Judicial affairs or designee shall break a tie where such exist.

D. Members of the Conduct Council who are charged with any violation of this Code, other University policies, or a criminal offense may be temporarily suspended from their positions by the Dean of Students while charges against them are pending. Members found responsible for any such violation or offense may be disqualified from any further participation in the University discipline system. Additional grounds and procedures for removal may be established by the Dean of Students.

## **XI. Advisors**

At their own discretion, complainants and respondents may be advised by an AUN student, faculty, or staff member. The role of advisors is limited to consultation. While advisors may be present at disciplinary conferences or hearings, they may not address hearing bodies, speak in disciplinary proceedings, or question witnesses. Because the purpose of this disciplinary process is to provide a fair review of alleged violations of this Code rather than a formal legal proceeding, participation of persons acting as legal counsel is not permitted

## **XII. Standards of Due Process**

Students who may be subject to dismissal, suspension, or removal from the University housing will be referred to the Director of Judicial Affairs and will be responsible for their off-campus necessities including ticket back home. The Director, in consultation with the Dean of Students, may determine the case at first instance or refer it to a disciplinary hearing, as specified in Section XV of this Code. Students who may be subject to lesser sanctions for nonacademic misconduct will be referred to a disciplinary conference, as set forth in Section XIV of this Code. Formal rules of evidence will not be applied, nor will deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to a student respondent or the University may result.

## **XIII. Procedures for Case Resolution**

A. Mediation is encouraged as an alternative means to resolve some disciplinary cases. The Dean of Students will determine if mediation is appropriate. The Dean, at his or her discretion, may decline to process a complaint until the parties in a nonacademic misconduct case make a reasonable attempt to achieve a mediated settlement. To be binding in a disciplinary case, any mediated settlement must be approved by the Dean of Students. If mediation fails, the case will be forwarded for a disciplinary conference.

B. Any AUN student, faculty, or staff member may refer a student, student group, or organization suspected of violating this Code to the Director of Judicial Affairs. Those referring cases are normally expected to serve as the complainant and to present relevant

evidence in hearings or disciplinary conferences. The complainant may request the assistance of an advisor, as set forth in Section XI of this Code. A written complaint must be filed with the Director of Judicial Affairs within 15 days (excluding weekends, official University holidays, Fall and Spring breaks) of the occurrence or discovery of the alleged infraction(s). Complainants filing cases after the 15- day filing period may request in writing an extension of the filing period from the Director of Judicial Affairs. Requests for waivers of the filing period may be made up to one major semester (Fall or Spring) after the date of discovery of the alleged incident. In such cases, the Director will evaluate whether a reasonable person might be justified in filing after the 15-day period due to the nature of the charges alleged. The deadline for filing a case will also be extended if there is an alleged violation of the University's discrimination and discriminatory harassment policy, sexual discrimination and harassment policy, whistleblower policy, or a Conduct Code violation involving rape, sexual assault, or stalking. In such cases, the complainant will have one semester from the date of discovery within which to file a complaint as set forth in this Student Code of Conduct.

C. The Director of Judicial Affairs will conduct a preliminary review to determine whether the alleged misconduct, if proved, might result in dismissal, suspension, or removal from University housing. Students, who may be subject to removal from University housing, suspension, or dismissal, will have their case determined by the Director of Judicial Affairs who will then make recommendation to the Dean of Students, unless the Director refers the case to a Conduct Council panel. Students who are unlikely to be subject to removal from University housing, suspension, or dismissal will be referred to a disciplinary conference or a disciplinary hearing with a hearing officer (either the Director of Judicial Affairs or his/her designee), as set forth in Section XIV of this Code.

D. Students referred for a disciplinary hearing by the Director of Judicial Affairs may elect to have their cases resolved in a disciplinary conference in accordance with Section XIV of this Code. Such an election must be in writing, affirming that the student is aware a hearing is being waived. The full range of sanctions may be imposed, including removal from the University housing, suspension, or dismissal from the University. Both the findings and the sanctions determined by the hearing officer will be regarded as recommendations to the President or his/her designee in the case of removal from University housing, suspension, or dismissal.

E. Hearing panel members, complainants, and respondents will have the right to question relevant witnesses who testify at disciplinary hearings.

F. The University may withhold awarding a diploma or degree otherwise earned until the completion of the process as set forth in this Code, including the completion of all sanctions imposed, if any. Withholding of a diploma or degree means the withholding of

a diploma or degree otherwise earned for a defined period of time or until the completion of assigned sanctions.

#### **XIV. Procedures for Disciplinary Conferences (Minor offences)**

Students accused of nonacademic offenses that will likely result in penalties less than removal from the University housing, suspension, or dismissal could be subject to a disciplinary conference with a hearing officer. The Director of Judicial Affairs or designee will serve as the hearing officer and conduct the disciplinary conference. Any party may challenge a hearing officer on the ground of personal bias. The hearing officer may be disqualified by the Dean of Students.

The hearing officer will make inquiries into evidence if necessary to ensure a just outcome of the case. Respondents who fail to appear after proper notice will be deemed to have pled no contest to the charges pending against them. Nonetheless, the complainant will be required to file a case that meets the standard of a preponderance of evidence.

In complex cases, the Director of Judicial Affairs, at his or her discretion, may refer the case to a disciplinary conference board. Such Conference board members, as opposed to the Conduct Council, will be selected by the Dean of Students. The board will consist of one hearing officer and two Conduct Council members, including at least one student.

Decisions of the disciplinary conference board are determined by majority vote and are final. The Dean of Students will review all disciplinary conference decisions to ensure their procedural integrity and consistency with the outcomes of prior disciplinary cases. In cases of minor violations where the Dean of Students serves as the hearing officer, the President or his/her designee will conduct the review.

The following procedural protections are provided to respondents in disciplinary conferences:

- A. written notice of the specific charges at least three business days prior to the scheduled conference with additional time at the discretion of the Director of Judicial Affairs;
- B. reasonable access to the case file prior to and during the conference;
- C. an opportunity to respond to the evidence;
- D. a right to be accompanied by an advisor, as provided in Section XI of this Code

## **XV. Procedures for Disciplinary Hearings (Major offences)**

The Director of Judicial Affairs will consult the Dean of Students before deciding any disciplinary hearing case or referring such case to a Conduct Council panel.

In cases before the Conduct Council:

A. The Dean of Students or designee may participate in hearing panel deliberations and discussions of the Conduct Council but cannot vote. The Council Chair is responsible for final decisions on all procedural issues and may modify hearing procedures, if necessary, to ensure a fair and expedient administration of the hearing.

B. The Director of Judicial Affairs shall serve respondents notice of the hearing date and the specific charges against them at least five business days in advance of the hearing. Respondents will be accorded reasonable access to the case file, which will be retained in the office of the Director of Judicial Affairs.

C. Respondents who fail to appear after proper notice will be deemed to have pled no contest to the charges pending against them. Nonetheless, the complainant will be required to present a case that meets the standard of a preponderance of evidence.

D. All hearings are closed to the public. The Director of Judicial may allow certain required persons to attend a hearing.

E. The hearing administrator will exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person - including the respondent- who disrupts a hearing may be excluded by the hearing administrator.

F. The University will make audio recordings of hearings. A transcript of the hearing will be provided, upon written request by the respondent, who must pay for the cost of the transcript service.

G. Any party may challenge a panel member or the hearing administrator on the grounds of personal bias. Hearing panel members may be disqualified by the hearing administrator. A hearing administrator may be disqualified by a majority vote of the members of the hearing panel. Votes will be taken by secret ballot.

H. Witnesses will be asked to affirm that their testimony is truthful and may be subject to charges of violating this Code by intentionally providing false information to the University.

I. Witnesses, other than the complainant and the respondent, will be excluded from the hearing except when providing testimony to the hearing panel. All parties, the

witnesses, and the public will be excluded during panel deliberations, which will not be recorded or transcribed.

J. The charges against the respondent must be established by a preponderance of evidence.

K. Formal rules of evidence will not be applicable in disciplinary proceedings conducted pursuant to this Code. The hearing administrator will abide by the rules of confidentiality and privilege, but will admit all other matters into evidence which are relevant. The respondent may challenge the relevance of evidence. Irrelevant or unduly repetitious evidence may be excluded by the hearing administrator.

L. Complainants and respondents will be accorded an opportunity to ask relevant questions of witnesses who testify at the hearing.

M. Affidavits will be admitted into evidence only if signed by the affiant and witnessed by the Dean of Students or his/her designee.

N. A determination of responsibility will be followed by a supplemental proceeding in which either party may submit relevant evidence or make relevant statements concerning the appropriate sanction to be imposed. The past disciplinary record of the respondent will be supplied to the panel only during the supplementary proceeding.

O. Any determination of responsibility by majority vote of the hearing panel will be supported by written findings, which will be placed in the case file and made available to the student respondent before a final decision is rendered by the Dean of Students.

P. All members of the conduct council are bound by confidentiality before hearings and after the proceedings

## **XVI. Sanctions**

Significant mitigating or aggravating factors will be considered when sanctions are imposed, including the present demeanor and past disciplinary record of the offender, the nature of the offense, and the severity of any damage, injury, or harm resulting from it. Repeated or aggravated violations of any part of this Code may also result in relocation or removal from University housing, suspension, or dismissal. Sanctions which may be imposed in accordance with this Code include, but are not limited to:

A. “Apology Letter” – a written admission of guilt requesting forgiveness from the complainant or offended party. A copy of the letter will be kept in the case file.

B. *“Warning”*—notice, oral or written, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

C. *“Censure”*—a written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

D. *“Alcohol/Drug/Substance Abuse Education Program”* – requirement to complete a University or University approved education program on alcohol/drug/substance abuse. Students sanctioned under this heading will be required to pay for all attendant costs.

E. *“Disciplinary Probation”*—status assigned for a designated period of time, during which any other violation of the Code may result in removal from University housing, suspension, or dismissal from the University. Students on disciplinary probation may not hold or run for any elected or appointed positions. Additional conditions appropriate to the violation may be imposed.

F. *“Restitution”*—repayment of the direct cost to the University for damages resulting from a violation of this Code.

G. *“Relocation in University Housing”*—administrative reassignment to a different residence hall and/or room.

H. *“Removal from University Housing”*—denial of housing privileges.

I. *“Suspension”*—exclusion from University premises and other privileges or activities for a specified period as set forth in the suspension notice. This action will be permanently recorded on the student’s academic transcript.

J. *“Expulsion”*—permanent termination of student status and exclusion from University premises, privileges, and activities. This action will be permanently recorded on the student’s academic transcript.

K. *“Revocation of Degree”*— rescinding a student’s degree awarded by the University.

L. *“Other Sanctions”*—other sanctions may be imposed instead of or in addition to those specified in sections (A) through (K) of this section. Service or research projects may be assigned.

Sanctions by the code of conduct council are to be considered as recommendations to the Dean of Students and are not final.

## **XVII. Appeals**

First instance disciplinary hearing decisions of the Conduct Council are appealable to the appeal board while disciplinary conference decisions are to the Dean of Students who may refer the appeal to the Conduct Council. All appeals shall be in keeping with the following provisions:

A. The appeals to the appeal board/panel must be in writing and delivered to judicial affairs to be processed for the appeal board's hearing within seven business days after the notice of removal from the University housing, suspension, or dismissal is delivered to the address on record for the student in the Office of the Registrar.

B. Appeals will be reviewed by an appellate board of the Conduct Council to determine their viability. The appellate board will consist of one student, one faculty member, and one staff member selected from the Conduct Council. In appeal cases from Conduct Council decisions the appellate panel will be constituted of members who did not serve on the original hearing panel. The appellate board will meet as soon as possible after the appeal is received.

C. The appellate panel will determine viability based on whether there is new information that significantly alters the finding of fact, evidence of prejudicial deprivation of rights or improper procedure, or excessive sanctions. Only when deemed viable will the appeal be forwarded to the Conduct Council or the Dean of Students, as the case may be, for review. Decisions of the appellate board about the viability of the appeal are determined by majority vote and are final.

D. The appellate panel may deny the request for appeal and affirm the original findings or grant the request for appeal and forward its recommendations to the Dean of Students or his/her designee.

Appeals are not meant to provide a second hearing of the case. All appeals will be decided based on the report filed by the hearing officer and the appellate board, the respondent's written statement, and any written response or memoranda prepared by University officials. All written materials considered by the appellate board and the Dean of Students or his/her designee will be subject to inspection by the respondent. The respondent may request an opportunity to discuss the written materials in person with the Dean or his/her designee. Appeal decisions rendered by the Conduct Council or the Dean of Students or his/her designee is final.

### **THE FOLLOWING STANDARDS WILL APPLY WHEN APPEALS ARE DEEMED VIABLE:**

1. Sanctions may be reduced only if found to be substantially disproportionate to the offense.

2. Cases may be remanded for rehearing only if:

- The rights deprived, specified procedural errors or errors in interpretation of the University regulations were so substantial as to deny the student a fair hearing; or
- New and significant evidence becomes available that could not have been discovered by a properly diligent student before or during the original hearing.

The imposition of sanctions will be deferred while an appeal is pending, unless, in the discretion of the Dean of Students or his/her designee, the continued presence of the student in the residence halls or on the campus poses a substantial threat to him or herself, to others, or to the stability and continuance of normal University functions.

### **XVIII. Disciplinary Records**

Except as noted below, disciplinary records are maintained by Office of the Judicial Affairs for seven years from the date of the letter providing notice of final disciplinary action. Records for a student who is suspended, dismissed, or who withdraws with a disciplinary case pending are maintained indefinitely. Evidence collected for cases shall also form part of disciplinary records. The university reserves the right to confiscate any student item(s) that is/are associated with a reported matter for investigation/hearing/any cogent concern. Such item(s) may be kept in the custody to the Office of Judicial Affairs indefinitely.

## **ANNEX 1:**

### **RESIDENCE HALLS REGULATIONS**

These are implementing regulations, based on AUN's Student Conduct Code, and are incorporated as an addendum to that document. Violations of these regulations may result in referral to Dorm council for reviews and appropriate action and to the Dean of Students for approval and sanctions. The residence halls include the halls and any areas contiguous to the halls. Engaging in prohibited conduct may be a violation of both the Student Conduct Code and the residence hall regulations.

#### **Responsibility for Damage**

Residents will be held responsible for damage to residence hall buildings or furniture and will be billed for repair or replacement where they have caused damage in their own rooms or in common areas. In the event of willful damage to the common areas located in the immediate vicinity of a student's room, or to the furnishings or facilities located therein, if the willful perpetrators of such damage cannot be identified, all resident students served by that common area may be assessed for repair or replacement costs.

#### **Responsibility for Guests**

Residents will be held responsible for the behavior of their guests and any other persons in their residence hall rooms, pertaining to the regulations for conduct at AUN, and may be charged in lieu of the guest or visitor with violating the respective sections of these policies.

The following conduct is expressly prohibited: I. Related to Residence Hall Security

1. To enter any residence hall without showing proper access identification to a housing staff member, or upon the request of a staff member.
2. For any visitor not escorted by a resident of that hall to fail to leave the building upon the request of any housing or University staff member.
3. For any visitor to pass the front desk and enter the building without an escort by either a resident of that hall, or a housing or University staff member.
4. To escort or permit entrance to any nonresident of a residence hall who is not known to the student or for whom the student does not assume responsibility as a guest.
5. To prop open outside doors or exit ways without the permission of a housing staff member.
6. To use any marked fire exit except during a fire alarm.
7. To block any fire door or fire exit.
8. To duplicate any room key or access card.
9. To fail to return a spare key within 10 minutes of signing it out at the front desk.
10. To fail to return room keys upon vacating a room.

11. To go behind the reception desk in any residence hall without authorization from the resident director.
12. To enter or exit the residence hall through a window when no emergency is present.
13. To enter restricted areas including, but not limited to, building roofs.

## **RELATED TO FIRE CODES**

- a. To set any fire within the buildings or areas contiguous to the buildings.
- b. To use any halogen lamp, broiler oven, electric coffee maker, popcorn popper, microwave oven, hotplate, open burner, or electric water heating device in student rooms, on carpeted floors, in hallways, or other non-designated areas.
- c. To cook indoors with charcoal or any open flame device.
- d. To possess or burn any candle or incense indoors.
- e. To keep any refrigerator with an electrical requirement exceeding seven (7) amps or its equivalent.
- f. To fail to immediately evacuate the buildings properly when a fire alarm has sounded or to reenter any building during a fire alarm before receiving permission from a housing or Office of Security staff member.
- g. To tamper with fire equipment, or to carry or remove fire extinguishers from their mounts or storage boxes except in case of a fire.
- h. To pull or activate any fire alarm when no fire is present, or to falsely report any fire or other emergency.
- i. To use electrical lights and appliances totaling more than 850 watts in a student room at any one time.
- j. To disconnect, sound, or otherwise tamper with any smoke detector.
- k. To run electrical wires beneath any rug or carpet.
- l. To smoke anywhere other than in areas where smoking is permitted. Smoking is prohibited in all public areas.

## **RELATED TO PROPERTY**

- a. To remove furniture from any common area without authorization of housing staff.
- b. To keep any unauthorized student furniture designated for other areas in student rooms.
- c. To keep waterbeds in student rooms.
- d. To keep any pet, except fish, in student rooms
- e. To remove any wall-mounted furniture.
- f. To mark or deface any surface (e.g., door, wall, carpet).
- g. To mark, deface, steal, harbor, or damage any property belonging to the University, any hall, resident, or commercial vendor (such as vending machines, video games, washing machines, dryers, or telephone equipment).

## OTHER PROHIBITED CONDUCT

- a. To engage in any disorderly conduct or to interfere with the rights of other students in their academic pursuits. This specifically and especially pertains to other residents' rights to an environment conducive to study and to sleep.
- b. To engage in sports activity within the residence halls.
- c. To engage in sports activity or to create excessive noise within 50 feet of any residence hall.
- d. To shout or to otherwise create disturbances from any residence hall window or entrance.
- e. To create excessive noise by any means. This will include playing loudspeakers through room windows at any time and noise audible outside a student room or in public areas, especially, but not limited to after 11 p.m. Sunday through Thursday, or past 1 a.m. on weekends. These times are considered quiet hours.
- f. To drop or throw any object or any liquid from windows.
- g. To keep dangerous materials, including but not limited to, firearms, air or CO<sub>2</sub>-powered weapons, fireworks, and dangerous weapons.
- h. To sell, distribute, use, or possess any illegal drug or drug paraphernalia in the residence halls.
- i. To knowingly and voluntarily be in the possession of any illegal drug(s) or drug paraphernalia in the University premises.
- j. To violate University policies pertaining to the sale, distribution, use, or possession of alcohol in the residence halls.
- k. To refuse to follow a directive from a housing staff member when acting in the performance of his or her duties.
- l. To solicit, canvass, post, or distribute any materials within the residence halls without the approval of the resident director or to violate University or residence hall posting policies.
- m. To have an overnight guest without the roommate(s)'s written consent; overnight guest(s) of the opposite sex are prohibited in segregated dorms.
- n. To have a guest visit in the residence halls for longer than a one (1) day period. Repeated visits by guests over extended periods may be considered unauthorized occupancy of a room by the guest. The University reserves the right to prohibit repeated, extended visits.
- o. Violations shall be handled by the Director of Judicial Affairs or his/her designee.

## **ANNEX 2:**

### **UNIVERSITY CODES, POLICIES, AND GUIDELINES:**

#### Acquired Immune Deficiency Syndrome (AIDS) Policy and Guideline

It is the policy of the American University of Nigeria to provide equal treatment to (and not to discriminate against) persons who have contracted the AIDS virus or AIDS-related conditions. Further, the University policy does not allow discrimination based on the perception that a person has one of the above, or the perception that he or she is more likely than other members of the general population to contract one of the above due to his or her membership in a protected class identified as being at high risk, or due to an individual's responsibility for a person in one of the above categories.

The University has a moral commitment to its employees and students, and intends to show compassion and understanding toward individuals with HIV, AIDS Related Complex (ARC), or AIDS. The term —HIV as used in this policy refers to all three (3) preceding conditions.

*Definition:* The Human Immunodeficiency Virus (HIV) is a fragile virus that will live outside the human body for only a short time. The virus is transmitted through the direct exchange of body fluids. This exchange may occur during intimate sexual relations, through contaminated blood or blood products, or through the sharing of contaminated needles. No cases of AIDS have been reported from exposure through casual contact.

The following policies shall apply:

- I. Students, faculty and staff with HIV will be allowed equal access to the University facilities or campus activities, including participation in academic, social, athletic, and cultural programs.
- II. Students with HIV will have equal opportunity to obtain residential housing or special room assignments.
- III. There will be no discrimination toward faculty and staff members with HIV in terms of employment at the University.
- IV. There will be no discrimination toward persons with HIV regarding admission to the University.
- V. Faculty and staff members with HIV will be allowed to use sick leave and short-term and long-term disability on a basis equal to that of any person with a medical illness.
- VI. Confidentiality will be strictly maintained for anyone who receives testing or counseling by the Student Clinic. No information will be released to any other physician, health clinic, insurance company, or hospital without the written consent of the individual involved. Since AIDS is not spread through casual contact, the University is under no obligation to inform students or employees that a person has AIDS or a related illness.

- VII. The University will comply with all federal, state, and local laws and regulations protecting the confidentiality of medical and educational records. No employee or student of the University may respond to requests for release of confidential information without prior consultation with the University counsel.
  
- VIII. No information concerning a diagnosis or complaint can be provided to faculty, staff, students, parents, or the media without the prior express written consent of the individual.
  
- IX. The University will offer educational and informational programs to inform the community of the realities of AIDS:
  
- X. The AUN Student Health Clinic has responsibility to address AIDS issues for the University community.
  
- XI. Students, who have tested positive for HIV, and those concerned that they may be infected with HIV, are strongly encouraged to contact the Student Health Clinic. Confidential testing and counseling are provided by the Student Health Clinic. For those testing positive for HIV, personnel at the Student Health Clinic are available to discuss resources and provide assistance and referrals. Faculty and staff with HIV may also request confidential counseling from the Faculty and Staff Assistance Program. Further interpretation of these guidelines will be made on a case-by-case basis by the President or Provost or Vice-President of Finance and Treasurer in consultation with medical and the University counsel.

## AMPLIFIED SOUND POLICY

- i. Sound levels in the University buildings and amplification at outdoor events employing public address systems, loudspeakers, bullhorns, or musical amplifiers will be regulated by the following guidelines:
- ii. Sound emanating from the University buildings, residence halls, and outside facilities must not interfere with regular functioning of the University or the welfare of residential neighbors. The Department of Campus Security will respond to sound level complaints. If an unacceptable sound level persists, Campus Security will terminate the offending activity and may refer the case to the Office of the Dean of Students.
- iii. Amplification of sound during the University's normal working hours (i.e. class hours, the University-scheduled study days, final exam periods, special testing sessions, special University events, or during the hours of worship or sound amplification affecting the greater campus community (i.e. amplified events outdoors) is prohibited. Exceptions may be granted in certain areas of campus from 11:00 a.m.–2:00 p.m., Monday through Friday.
- iv. Exceptions to this general guideline will be made only by special permission arranged through the Office of the Dean of Students. Special consideration will be given to any academic or administrative programs in the vicinity of a proposed event. If special permission is granted, a sound level agreement will be negotiated. Violation of the agreement will result in immediate cancellation of the event by Campus Security. The case may be referred to the Office of the Dean of Students.
- v. Sound amplification for a University-sponsored event affecting the greater campus community will be permitted under the following conditions:
- vi. Outdoor events using amplification will be coordinated by staff of the Office of the Dean of Students who will exercise professional judgment in determining the suitability of proposed entertainment for an outdoor campus site.
- vii. Events employing amplified sound will conclude no later than 9:00 p.m. (11:00 p.m. on Friday and Saturday nights).
- viii. During the event, University staff will measure the sound level along campus boundaries.
- ix. The Department of Campus Security will respond to complaints by contacting the person in charge of the event. If the Department of Campus

Security receives additional complaints, the event will be cancelled and the case may be referred to the Dean of Students.

## **COMPUTER USE AND COPYRIGHT POLICY**

All AUN faculty, staff, and registered students are given computing and network access privileges (user profile). Each person is assigned a computer account code (user ID or user name) that provides access to University computing resources and systems for instructional, research, and administrative purposes. Access to these resources is a privilege, not a right. Resources include networks, laboratory systems, residence hall systems, library systems, faculty and staff office systems, and software licensed by the University or its agents for use on University systems.

Because the entire AUN community relies upon these systems to use and store important and confidential data, including software and computer programs, it is morally wrong and strictly prohibited for individuals to access or attempt to access or view any account, file, and/or software for which they do not have specific authorization. Also, it is prohibited to disrupt, delay, endanger, or expose someone's work or University operations.

Prohibited actions include, but are not limited to, the following:

1. providing computer access to unauthorized persons (e.g., by loaning your account to someone else or disclosing someone's password to a third party); disrupting access to a computer system, network, or files (e.g., by crashing a public system; releasing viruses; attempting to learn or alter someone's password; tying up computer resources, printers or operating systems; or using computer systems for illegal activities); accessing or changing someone's files without permission; downloading or uploading unauthorized copyrighted materials;
2. using e-mail or messaging services to harass or intimidate another person (e.g., by broadcasting unsolicited messages, repeatedly sending unwanted mail, or using another individual's name or user name); and the American University of Nigeria computing accounts are provided to assist in University and University-related work only. No commercial activity is permitted unless approved in advance and in writing by Information Technology.

### **Violations and Sanctions**

Violations of this policy will be adjudicated by appropriate University processes and may result in the following sanctions:

- Temporary or permanent loss of access privileges;

- University judicial sanctions as prescribed by student, faculty, or staff behavioral codes, including dismissal or termination from the University;
- Remedial education;
- Monetary reimbursement to the University or other appropriate sources;
- Prosecution under applicable civil or criminal laws (violations of local, state and federal law may be referred to the appropriate authorities).

The University will take any action that in its sole discretion is necessary to investigate and address violations of this policy, including temporarily or permanently terminating computer use privileges pending the outcome of an investigation or a finding that this policy has been violated.

## **NETWORK SECURITY**

In order to provide secure electronic communications, the University must protect the physical and logical integrity of its networks, systems, data, and software. Some potential security threats include unauthorized intrusions, malicious misuse, and inadvertent compromise.

Each account is assigned to a single individual, who is responsible for all computer usage under that account. Any attempt to circumvent or subvert system or network security measures is prohibited. In the event of alleged or detected prohibited activities, the University will pursue the owner of the account. Individual passwords should be kept secret and changed periodically to prevent unauthorized access. Students must promptly report any suspicious illegal or unethical usage or activities executed via the AUN network to Judicial Affairs whether as an act committed by oneself or by another individual(s).

## **PRIVACY**

As a matter of course, University IT staff does not look into private, individual accounts and data. However, the University reserves the right to view or scan any file, email, data or software stored on University systems or transmitted over University networks. This will be done periodically to verify that software and hardware are working correctly, to look for particular kinds of data or software (such as computer viruses), or to audit the use of University resources. Policy violations discovered in this process will be acted upon.

Electronic mail and messages sent through computer networks, including the Internet, may not be confidential while in transit or on the destination computer system. Any data on University computing systems may be copied to backup devices periodically. IT will make reasonable efforts to maintain confidentiality, but individuals may wish to encrypt their data. If encryption software is used, the individual is responsible for it.

## **TRAFFIC POLICIES**

All students are required to adhere to all traffic regulations on AUN campus. These are AUN, local, state, and federal regulations.

- A. Student campus driving is a privilege, not a right. As such, only documented Third Year and graduating Fourth Year have the driving privilege. Driving privilege on University grounds is limited to duly registered vehicles.
- B. Authorized vehicle operators on University grounds must carry a valid driver licence, current vehicle insurance, and a valid AUN student ID. Violator may receive a monetary fine, or a written warning. Repeat violators shall lose their driving privilege immediately and may be handed to the police for further actions.
- C. Authorized vehicle operators involved in driving accidents resulting from reckless driving may, apart from losing their driving privilege, may be handed over to the police for further action.