

# Anglo-American University

## Standards of Conduct and Discipline Code

### A. General Provisions

#### 1. Fundamental Standards

- i. All members of the AAU community, i.e., all faculty, staff, students, governing entities, and affiliates are expected to respect and uphold the rights and dignity of others regardless of race, color, national or ethnic origin, gender, gender orientation, gender identification, age, religion, disability, political affiliation, or socio-economic status. AAU values integrity, honesty, open and free communication and academic freedom, and strives to integrate these values into teaching practices, business dealings, and daily activities.
- ii. All members of the AAU community are expected to respect and uphold the integrity of the university and its values in their personal conduct as well as in their interactions with others.
- iii. All members of the AAU community are expected to abide by all applicable laws and university policies and uphold the standards of academic integrity and intellectual honesty expected of an educational community.
- iv. Adherence to these standards makes each member of the community responsible for bringing suspected violations of applicable standards or regulations to the attention of the appropriate department. Raising suspected violations is a service to the community at large as it helps to maintain high academic standards and ensure the personal integrity expected of an AAU graduate.

#### 2. Core Values of Conduct

- i. **Integrity:** all members of AAU community exemplify honesty, honor and a respect for the truth in all of their dealings.
- ii. **Community:** all members of AAU community build and enhance their community.
- iii. **Respect:** all members of AAU community show positive regard for each other, for property and for the community.
- iv. **Responsibility:** all members of AAU community are given and accept a high level of responsibility to self, to others and to the community.

#### 3. Interpersonal Conduct in a Multicultural Environment

- i. Given the multicultural environment at AAU, a risk of cultural misunderstanding is omnipresent. For the sake of harmonious coexistence, members of AAU community are expected to exercise prudence, self-restraint, tolerance, and responsiveness in interpersonal conduct. Among others, it means that:
  - (a) Initiators of an interpersonal conduct are expected to keep in mind that others might hold to different standards of good manners (**prudence**), and adjust their conduct accordingly (**self-restraint**); repetitive or persistent interpersonal conduct that has been explicitly indicated as unwelcome, can form the basis of a violation of the Discipline Code.
  - (b) Addressees of interpersonal conduct are expected to keep in mind that others might hold to different standards of good manners (**tolerance**), and thus are expected to be explicit if the conduct is not welcome (**responsiveness**). If they do not feel comfortable expressing their discomfort directly to the initiator, they are encouraged to do so through a third person.
- ii. Some cases of non-instigated interpersonal conduct are strictly forbidden (e. g. physical threat) while others are protected even if causing discomfort (e. g. free speech within a legitimate pedagogical context). In many other cases, it is the combined perception and the response of the one to whom the conduct is addressed that determines whether the conduct shall be interpreted as appropriate. (For example, the same compliment might be interpreted as charming, or offensive, depending on the addressee.)
- iii. Given the importance of the highest standards of interpersonal conduct for the AAU community, any kind of sexual and interpersonal misconduct is governed by a special Policy on Relationships, Sexual Misconduct, Discrimination, and Harassment which goes into greater depth and breadths than the provisions of this Code.

#### 4. Free Speech

- i. AAU supports every individual's right to freedom of expression. AAU also recognizes the importance of fostering a culture of tolerance and civility that is a cornerstone for the accomplishment of its educational goals. Within the

classroom, visual and/or aural demonstrations, depictions or conduct that may be offensive to an individual will not be restricted when there is a legitimate pedagogical context, such as material having an appropriate connection to course subject matter.

- ii. Expression that is severe, persistent, and objectively offensive, that is directed toward an individual and has the effect of limiting or deny educational or employment access, benefits or opportunities is not a protected form of speech or expression, and can form the basis of a violation of the Policy on Relationships, Sexual Misconduct, Discrimination, Harassment and Other Forms of Misconduct.
- iii. Other limitations on free speech include: endangering someone or threatening them; inciting violence; using “fighting words” directed at an individual or group that directly provoke violence; defamation; obscenity; and expression that has a discriminatory effect such that it limits or denies someone’s educational or employment access, benefits and/or opportunities.

## 5. Improper Conduct

- i. Students and faculty may not be subject to disciplinary proceeding for conduct outside the school or AAU official housing facilities that has no direct relation to AAU and its community.
- ii. All members of the AAU community may be subject to disciplinary hearings for acts of non-academic misconduct including:
  - (a) Violations of a university code or policy;
  - (b) Violations of an applicable law;
  - (c) Theft of property or services, intentional or reckless property damage;
  - (d) Document falsification – the discovery of a falsified admissions document prior to the start of studies will result in an automatic denial of admission, while discovery after the start of studies may result in expulsion and denial of re-admission;
  - (e) Impersonation of another;
  - (f) Research related misconduct and/or intentional misappropriation of the writings, research, and findings of others;
  - (g) Election tampering;
  - (h) Drug or alcohol related intoxication while on campus;
  - (i) Physical or verbal assault or threats;
  - (j) Knowing or reckless exposure of another to significant danger;
  - (k) Sexual misconduct;
  - (l) Harassment;
  - (m) Stalking;
  - (n) Hate crimes and aggression motivated by race, sexuality, gender orientation, and religion;
  - (o) Bullying and cyberbullying;
  - (p) Breach of confidentiality;
  - (q) Discrimination, including harassment, on political grounds or for reasons of race, color, religion, sex, sexual orientation, gender identity, ethnic origin, national origin, ancestry, marital status, pregnancy, parenthood, physical or mental disability, or because of age or citizenship or for other arbitrary or personal reasons;
  - (r) Any behavior that is substantially incompatible with common standards of respect, adult responsibility, and academic integrity.
- iii. Sexual Misconduct
  - (a) AAU maintains a policy of zero tolerance for sexual misconduct regardless of the sexual orientation or gender identity of individuals engaging in sexual activity. Zero tolerance means that AAU will remedy all unwelcome conduct of a sexual nature and will impose serious sanctions on anyone who violates this policy.
  - (b) Please refer to AAU’s Policy on Relationships, Sexual Misconduct, Harassment, and Discrimination for information and details on AAU’s policy with regard to what amounts to sexual misconduct, harassment and discrimination; which relationship may or may not be acceptable within the AAU community; how all concerns, complaints and allegations can be addressed and remedied; and how to access and receive help and support.

## 6. Reporting Options and Confidentiality

- i. AAU offers multiple ways of reporting options:
  - (a) Confidential Reporting: Members of AAU community, who would like the details of an incident to be kept confidential, may speak with the Psychological Counselor. AAU Psychological Counseling Center is available to help free of charge.

- (b) **Private Reporting:** Members of AAU community may seek advice from individuals who are not required to reveal private, personally identifiable information unless there is cause for fear for the reporting person's safety, or that of others. These individuals include employees without supervisory responsibility or remedial authority to address misconduct, such as faculty members, Student Council advisor, Student Services Center staff, Career Center staff, Admissions staff, HR office, among others. Some are instructed to share incident reports with their supervisors, but they do not share any personally identifiable information about the report unless given permission, except in the rare event that the incident reveals a need to protect the victim or other members of the community. If any personally identifiable information is shared, it will be shared with as few people as possible and all efforts will be made to protect the privacy.
  - (c) **Formal Reporting:** Members of AAU community are encouraged to speak to the supervisor of the person suspected of misconduct (for students: the relevant Dean). If there is no known initiator of misconduct, they should speak to their supervisor (for students: their Dean of School) or to the Investigation Officer. All members of the AAU community have the right, and can expect, to have incidents of misconduct taken seriously by AAU when formally reported, and to have those incidents investigated and properly resolved through administrative procedures described in this Code. Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses, and the responding party. The circle of people with this knowledge will be kept as small as possible to preserve the rights and privacy.
  - (d) **Anonymous Reporting:** If a person is uncomfortable reporting misconduct personally, he/she may do so anonymously by completing a web form on AAU website. In this case, the person cannot be informed of the result and the reporting needs not initiate a formal investigation.
- ii. All disciplinary proceedings are confidential and conducted in accordance with the General Data Protection Regulation. The outcome may be shared only with persons who have been directly involved (including the complainant) or who need the information for the purposes of performing their work (or other) duties.
  - iii. AAU Community members are encouraged to report any interpersonal misconduct to the designated official, when they become aware of such misconduct.

## 7. Allegation of Improper Conduct

- i. Reporting a suspected violation of AAU Standards of Conduct may result in an official allegation of improper conduct and subsequent disciplinary proceeding.
- ii. Anyone may submit a signed written complaint alleging a violation of Standards of Conduct to the attention of the supervisor of the person suspected of misconduct (for students: the relevant Dean). Before submitting a formal complaint, everyone is encouraged to first consider informal means of resolving the behavior such as informal discussions with the help of the relevant supervisor.
- iii. Should the supervisor have a conflict of interest, the complaint may be submitted directly to the Investigation Officer.
- iv. Initial allegations of misconduct that are found to be false and maliciously motivated may themselves become the basis of a disciplinary action. No allegations made in good faith, however incorrect, will be the basis for discipline against a complainant, and efforts will be made to assure that no retaliatory actions occur over the good faith reporting of alleged misconduct.
- v. Upon receipt of an allegation of improper conduct the supervisor within one week either begins the disciplinary process or defers the allegation if (even after possible clarification by the complainant) it is ambiguous or unsupported by any evidence. If the complainant expresses his/her disagreement with the deferral, the disciplinary process must be started in any case.
- vi. At the beginning of the disciplinary process, the supervisor shall within two weeks of the receipt of the allegation:
  - (a) Inform the accused person of the allegations in writing, including references to the time, place, others present, when the alleged acts occurred, etc.;
  - (b) Provide the accused person with documents supporting the allegation;
  - (c) Provide the accused person a two-week period within which to respond in writing to the allegations of misconduct;
  - (d) Inform the accused person of the follow-up disciplinary procedure;
  - (e) Notify the Vice President for Academic Affairs, should the accused be an Employed Faculty member.
- vii. The supervisor may conduct an initial inquiry to determine whether the allegations have merit and whether a formal investigation is warranted.

## **B. Students**

### **1. Improper Student Conduct**

- i. Any faculty member or staff may, if a student engages in disruptive or other conduct unsuitable for a classroom environment of an institution of learning, require the student to withdraw from the class for the duration of the activity or for the day. Should such a demand be made, the circumstances shall be relayed by the instructor/administrator to both the Dean of the School of the instructor/administrator and of the student's School in writing within 24 hours of the incident.
- ii. Should the suspected violation of the Code involve any kind of sexual and interpersonal misconduct the procedure and the punishment will be governed by the Policy on Relationships, Sexual Misconduct, Discrimination, and Harassment.
- iii. Students may be subject to disciplinary hearings for any failure to meet the standards set out in this Code including:
  - (a) Plagiarism;
  - (b) Submission of bought papers or of work undertaken or previously submitted in another course;
  - (c) Cheating, attempts to cheat, introduction of, or possession of, tools that may effectuate cheating including but not limited to unpermitted books, notes, phones, computers, microphones, or electronic or other devices capable of storing information, etc.
  - (d) Unpermitted collaboration;
  - (e) Giving or receiving unpermitted assistance on a take-home assignment or examination;
  - (f) Copying from, or allowing another student to copy from, an examination or other piece of work;
  - (g) Giving or receiving aid on any assignment where one should reasonably have been aware that such aid was not permitted;
  - (h) Undertaking activities that impact the academic environment or the sense of safety and security of a classroom;
  - (i) Undertaking activities that interfere with the study of other students.
- iv. Any person may raise an allegation of improper conduct against a student. Such allegation should be reported to the Dean of the School under which the student is studying together with all necessary supportive evidence.

### **2. Disciplinary Procedures for violation of standards set out in this Code**

- i. If the accused student acknowledges the truth of the claim or fails to communicate with the Dean of School, and the offense is a minor first offense, the Dean of School may decide on the merits of the case. The decision shall be communicated to the student within two weeks of the student's acknowledgement of the charges or one month after informing the student of the charges in the event that the student failed to communicate.
- ii. If the student denies the claims and/or the offense is not a minor first offense, the Dean of School must pass the allegation to the Disciplinary Commission without delay.
- iii. The Disciplinary Commission shall:
  - (a) Notify the student of the time and location of the Disciplinary Hearing. The hearing can take place no less than one week and no more than three weeks of the receipt of the allegation;
  - (b) Inform the student of their right to submit a written statement in their support and/or to appear in person at the Disciplinary Hearing;
  - (c) Request of the student that a list of witnesses or documents to support their stance be immediately provided for invitation and/or consideration by the Disciplinary Commission.
- iv. The Disciplinary Commission meeting shall decide on the merits of the case and inform the student and the respective Dean of School about the decision in writing within a week of the hearing.
- v. Allegations of bought papers, intentional or consistent plagiarism, interpersonal threats or violence, whether it be verbal, physical or sexual, property damage, and other matters of a serious nature shall not be considered as minor issues.
- vi. The Disciplinary Commission is composed of the Investigation Officer who is the Chair of the Disciplinary Commission, and two members nominated by the Faculty Senate and two members nominated by the Student Council. Any member of the Commission shall recuse herself/himself from decision-making should there exist a conflict of interest. The members of the Disciplinary Commission must sign a confidentiality clause in order to be appointed.

### **3. Disciplinary Penalties for all Misconduct and Violations of this Code**

- i. In the case of a first instance of misconduct of minor importance, a student may only be punished by a formal letter with a warning.
- ii. In the case of serious and/or repeated misconduct, a student may be punished by non-academic probation or expulsion.
- iii. The terms of non-academic probation may require that the student, within the test period determined by the Disciplinary Commission,
  - (a) Refrain from improper conduct; and/or
  - (b) Issue a letter of apology; and/or
  - (c) Attend counseling or tutoring; and/or
  - (d) Complete an assignment as determined by the Disciplinary Commission.
- iv. False statements made during the course of the process may result in additional sanction(s).
- v. Students who violate the terms of non-academic probation will be expelled.

## **C. Faculty**

### **1. Improper Faculty Conduct**

- i. Should the suspected violation of the Code involve any kind of sexual and interpersonal misconduct the procedure and the punishment will be governed by the Policy on Relationships, Sexual Misconduct, Discrimination, and Harassment.
- ii. Faculty may be subject to disciplinary hearings for any failure to meet the standards set out in this Code, including:
  - (a) Arbitrary denial of access to instruction;
  - (b) Evaluation of student work by criteria not directly reflective of course performance;
  - (c) An undue and unexcused delay in evaluating student work (generally, more than two weeks);
  - (d) Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons;
  - (e) Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.
  - (f) Significant intrusion of material unrelated to the course;
  - (g) Unfair preferential treatment to one student or group of students at the expense of another.
  - (h) Failing to attend meetings called by the Dean of School, the Dean of Students, the Vice Presidents or the President without a valid excuse;
  - (i) Significant failure to adhere, without legitimate reason, to the rules of the faculty as set out in the Codex and the Faculty Handbook in the conduct of courses, to hold class, to keep consultation hours, or to hold examinations as scheduled.

### **2. Disciplinary Procedures for failure to meet the standards set out in this Code**

- i. Based on the allegations, the initial inquiry (if any), and the response (if any) of the accused, the Dean of School shall make a decision falling into one of two categories within 21 days from receiving the complaint:
  - (a) That insufficient grounds have been presented to warrant further pursuit of the allegation and, therefore, that the accused will be subject to no discipline or only minor discipline.
  - (b) That there is presumptive evidence for major discipline and that a formal investigation is warranted. If so, the Dean of School will notify the accused in writing summarizing the evidence received and the conclusions of the initial inquiry, if any.
- ii. If, in the previous step, the Dean of School determines that minor discipline is warranted, the final disciplinary action will, at that point, be taken by the Dean of School with the matter being subject to appeal to the Investigation Officer.
- iii. If, in the previous step, the Dean of School concludes that grounds for major discipline may exist, the Dean of School will so notify the faculty member and will refer the matter to the Investigation Officer for investigation.
- iv. The Investigation Officer shall appoint a special Investigation Committee from at least two individuals with knowledge and background appropriate to carry out the investigation. The members of the Investigation Committee must sign a confidentiality clause in order to be appointed.
- v. In its investigation, the committee will be expected to talk with witnesses and review documentary evidence, secure necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant

evidence, advise the accused of the evidence against him or her, and offer the accused a reasonable opportunity to respond and present evidence.

- vi. The committee will work towards reaching findings of fact in regard to the Dean of School's charge. If the committee finds facts that appear to constitute a breach of relevant AAU or general scholarly standards of performance or conduct, the committee's report shall state the nature of the breach and assess the seriousness of the breach.
- vii. After receiving the report with findings of fact from the committee, the Vice President for Academic Affairs will reach a decision and determine the disciplinary action and the appropriate sanctions to be taken against the accused. The severity of the discipline will not exceed a level that is reasonably commensurate with the seriousness of the cause.
- viii. The decision of the Vice President for Academic Affairs may be appealed to the Faculty Senate. The Faculty Senate shall investigate the matter and submit a report including findings of fact, conclusions, and recommendations to the President for a final decision.

### **3. Disciplinary Penalties for all Misconduct and Violations of this Code**

The disciplinary actions or sanctions may include, but are not limited to, any of the following: "

- (a) Submitting a letter of apology;
- (b) Reprimand;
- (c) Attend counseling or tutoring;
- (d) Reduction in variable part of salary;
- (e) Reduction in rank;
- (f) Termination of employment.

#### **D. Staff**

Section "C. Faculty" above applies to AAU staff equally. The final decision is made by the Chief Financial Officer. The decision may be appealed to the President.

#### **E. Effectiveness**

This Code was approved by the Board of Trustees on June 14<sup>th</sup>, 2021 and comes into effect upon registration by the Ministry.