



REGULATIONS OF THE AFRICAN UNIVERSITY OF SCIENCE AND TECHNOLOGY, ABUJA

3.0 STUDENT HONOR CODE AND STUDENT CONDUCT CODE: RESOLUTION OPTIONS, PROCEDURES FOR REVIEWS AND HEARINGS.

STUDENT HONOR CODE

3.0.1 Resolution Options

For students charged with violations of the Student Honor Code, the following are the options available to resolve the matter: Regardless of department, the Student Honor Code Resolution Process, paragraph 3.0.2 below, if the student is admitting responsibility, it is a first violation of the Student Honor Code and the faculty member determines the conduct alleged would not warrant suspension or expulsion.

3.0.2 Resolution Process

- a) When a student is alleged to have violated the Student Honor Code, the faculty member involved shall confirm with the Students Affairs Office that the violation would be a first violation and no circumstances require the imposition of a sanction other than a reduced or failing grade, an educational requirement specified in the African University of Science and Technology, Abuja Regulation 10.0, and/or a reprimand.
- b) The faculty member will meet with the student and determine if a conduct proceeding is warranted. The faculty member may request that the head of department or other appropriate University official attend this meeting as a witness. The faculty member may impose a sanction of a written reprimand, a grade penalty on the assignment in question, a grade penalty for the course and/or an appropriate educational requirement as specified in the African University of Science and Technology, Abuja Regulation 10.0. If a sanction is imposed, the matter is resolved when the student and faculty member reach agreement as to the sanction.
- c) The student's agreement to a sanction shall constitute a waiver of all other available

adjudicatory procedures or appeals.

- d) The faculty member shall forward a copy of the agreement with the student's signature to the Vice President Academic or designee.
- e) The faculty member involved shall refer the matter to the Vice President Academic or designee rather than take action if disciplinary action may be warranted and it appears that: the violation would not be a first offense; a sanction such as probation, suspension, or expulsion would be warranted; or the student does not agree to the sanction proposed by the faculty member involved.
- f) A student who is charged with a Student Honor Code violation by a faculty member and who does not agree to accept the faculty member's sanction or for whom the faculty resolution process is not appropriate, as stated above, shall be informed by the Vice President Academic of which hearing body; constituted by him/her, will hear the case. The Vice President Academic, constituted hearing body or designee may hear the case if the student accepts responsibility and the student chooses to have the Vice President Academic, constituted hearing body or designee hear the case. If a hearing body is unable to conduct a hearing within the time provided under this Regulation, the Vice President Academic or designee may reassign the matter to another hearing body or person pursuant to subsection 3.0.6(f) below.
- g) A student shall not be permitted to drop or withdraw from the course once informed of an alleged Student Honor Code violation. Any course that is dropped or from which the student has withdrawn in violation of this restriction shall be reinstated until the charges are resolved. If the student is found not responsible for a Student Honor Code violation, the student is free to withdraw from the course as long as the case was initiated prior to the published deadline to withdraw. A student found responsible but receiving only a penalty for the assignment in question may drop or withdraw from the course if the case was initiated prior to the deadline to withdraw from the course. A student who receives a course grade penalty is not permitted to withdraw from the course.

STUDENT CONDUCT CODE

3.0.3 Resolution Options

For students charged with violations of the Student Conduct Code, the following are the options available to resolve the case:

- a) Administrative review or hearing by an administrator from the Office of the Vice President Academic
- b) Student Conduct Committee, or that Committee's Chairperson or designee, under the African University of Science and Technology, Abuja Regulations 4.0
- c) Except as provided in paragraph (d) below, students charged with less serious violations may choose administrative review or an administrator or conduct committee hearing and students charged with more serious violations will choose between an administrator or conduct committee hearing. Students who do not dispute the allegations of a more serious violation may also choose administrative review. Less serious violations are those violations which, if proven, would not result in removal from housing, suspension, or expulsion in the opinion of the Vice President Academic or designee
- d) A student who has pled guilty, been adjudicated guilty, been convicted or who has otherwise received a verdict of guilt in a criminal court of law regarding, in whole or in part, the same conduct for which the student is charged under the Student Conduct Code, may be found in violation of paragraph 2.0.29 of the African University of Science and Technology, Abuja Regulation 2.0 and/or may be found responsible for other applicable violations on the basis of that plea, guilty verdict, adjudication of guilt and/or conviction. Any such student shall be afforded the opportunity to participate in an administrative review by an administrator in the Office of the Vice President Academic in accordance with sub-paragraph 3.0.3 (a) above. Paragraphs 3.0.5, 3.0.5(a), 3.0.5(b), 3.0.5(d), and 3.0.5(e), 3.0.6(d), 3.0.6(e) and 3.0.6(f) below shall apply. Notwithstanding any other provision of this regulation, this administrative review shall be the only applicable process to resolve such Student Conduct Code case unless the case also involves other conduct, in which event subsection 3.0.4 below shall apply. During the administrative review, the charged student's prior plea, plea agreement, adjudication of guilt and/or conviction may be regarded by the administrator as substantial evidence of the charged student's responsibility for the alleged violation of the Student Conduct Code; however the student will also be allowed to present any mitigating facts or circumstances to the reviewing administrator who shall determine how such facts and circumstances may be presented and the

weight they should be accorded. The administrator shall consider the information presented by the student in determining the student's responsibility for the alleged violation and in imposing sanctions.

- e) Expedited Hearings: notwithstanding anything contained in this regulation to the contrary (other than paragraph 3.0.3 (d) above which shall govern applicable cases), in the event a student is charged with a violation of the Student Honor Code or Student Conduct Code, which, if proven, would not warrant a penalty in excess of a semester probation or a failing grade in the opinion of the Vice President Academic or designee, and the student does not waive his or her right to a hearing before the appropriate administrator or hearing body as provided in this regulation, the hearing may be held before the chairperson of the appropriate committee or the Vice President Academic rather than before the full committee panel provided that the accused student does not object in writing to such person hearing the matter. The objection must be given to the Vice President Academic on or before the deadline in the notice to the student.

3.0.4 Conflict of Jurisdiction

In the event that a matter involving student conduct may be within the jurisdiction of more than one (1) review or hearing authority or body and/or process, the Vice President Academic or designee shall determine which review or hearing authority shall hear or review the matter

3.0.5 Conduct Proceedings and Basic Rights

The purpose and context of the student conduct process and sanctions imposed, including but not limited to reviews and hearings hereunder, are educational and not adversarial in nature. Thus, staff involved in student conduct proceedings, involving individual students, may perform various functions in the proceedings. For example, without limitation, the Vice President Academic or designee may provide the notice of charges, provide information to a hearing body, and act as the administrative liaison and procedure, regulation and policy advisor to the hearing body during the hearing and deliberations, but shall not be a member of the committee or vote on the committee's recommendation.

The basic rights accorded to students in conduct proceedings, whether through an administrative review or a hearing conducted by an administrator or a hearing body (i.e., administrator, Student Conduct Committee, or Chair of a Committee), are:

- a) To be given notice of the charges: a student who is charged with a Student Honor Code

violation to be heard by the Student Conduct Committee or is charged with a Student Conduct Code violation shall be given notice of charges and procedures for requesting a hearing or review, as applicable. Any notice under this regulation is deemed given if it is hand delivered to the student, sent to the student's Residence Hall address in the Registrar's records or permanent address if no Residence Hall address is listed, or sent to the student's official African University of Science and Technology, Abuja email address. The student shall be given an opportunity to schedule an informational meeting with the Vice President Academic or designee at a time and place feasible to and determined by the Vice President. Failure of the student to take this opportunity to meet shall not require a delay or affect the validity of the proceeding which, in such event, shall be arranged and the type of proceeding shall be determined by the Vice President or designee. The notice shall be issued at least seven (7) business days prior to the date of the review or hearing unless the notice period is waived in writing by the charged student or student organization. In the event the student fails to appear at the review or hearing pursuant to the notice issued, such failure shall not require a delay or affect the validity of the proceeding. In such event, the administrator designated to review or hear the case or the hearing body shall conduct the proceeding in the student's absence, and the reviewing or hearing administrator or body will make a decision based on the information made available at the proceeding.

- b) To be given the opportunity to review the materials, information and other evidence against the student at a time and place feasible to and determined by the Vice President Academic or designee. The student has the responsibility to check the relevant file in the Office of the Vice President Academic, (through seven (7) business days) before the hearing or review. The failure of the student to review such materials, information and other evidence when given such opportunity shall not require a delay or affect the validity of the proceedings. Information that is not made available at least seven (7) days before the hearing or review without bad faith may be presented for the first time at the hearing or review. In such event, if the student or the University requests a suspension, the proceeding will be suspended for a minimum of seven days or a shorter suspension period if the party requesting suspension agrees.
- c) To be given the opportunity to be heard and present materials relevant to the student's position at a time and place feasible to and determined by the Vice President Academic or designee. The failure of the student to take advantage of such opportunity shall not require a delay or affect the validity of the proceedings.

- d) To be free from compulsory self-incrimination in connection with conduct that is, or could be under applicable law, the subject of criminal charges. The student's choice not to speak or present evidence shall not require a delay or affect the validity of the proceedings.
- e) To be allowed to have an advisor present at an administrative review or hearing at the student's own expense and initiative. It is the student's responsibility to identify an advisor and make appropriate arrangements for him or her to attend the proceeding. The advisor may advise the student but shall not speak for or present the case for the student or otherwise participate directly in the proceeding. An adviser's attempt to participate in a review or hearing by speaking, presenting information or otherwise intervening in the proceeding is grounds for the advisor being required to leave. In such event, the hearing or review will continue without the advisor present, and the adviser's absence shall not require a delay or affect the validity of the proceedings. Failure of the advisor to attend a review or hearing also shall not require a delay or affect the validity of the proceedings.

3.0.6 Additional Procedures for Hearings

- a) The charged student may arrange at its expense and initiative to have witnesses at a hearing. The failure to call a witness or the failure of any witness to appear shall not require a delay or affect the validity of the proceedings. Information provided by a witness who is not called or does not appear at the hearing may be considered in the process if the administrator or hearing body determines the information to be reliable as provided in subsection 3.0.6 (d) below. The charged student shall have the right (i) to address any information provided in the hearing record by any witness who is present or not present at the hearing (ii) to provide information on the veracity of a witness who is present or whose information is presented at the hearing, and (iii) to present questions to be asked of any witness who is present at the hearing by the administrator conducting the hearing or the chair of the hearing body. The African University of Science and Technology, Abuja Regulation 14.0 shall also apply.
- b) Hearings before hearing bodies will be recorded. However, recording failures that occur notwithstanding good faith attempts shall not require a delay or affect the validity of the proceedings, but in such event the hearing body chair or designee will prepare a written summary of the hearing.
- c) A conduct hearing is an opportunity for a student to challenge the content of the student's

- educational record and is closed unless the charged student requests an open hearing a minimum of five (5) business days before the hearing and all student witnesses agree in writing.
- d) Decisions in student conduct proceedings, whether under the Student Honor Code or Student Conduct Code shall be based upon a preponderance of the evidence (more likely than not) standard. The rules of evidence and procedure that apply in a court proceeding do not apply to student conduct proceedings. Information (including hearsay) that supports factual findings required for the ultimate decision in a student conduct proceeding shall be the kind of information upon which reasonable, prudent persons would rely in the conduct of their affairs. Subsection 3.0.6 (e) below applies to the ultimate decision.
- e) In reviews and hearings conducted by administrators, the administrator will determine whether the student is responsible and shall determine which sanction or sanctions should be imposed in accordance with the African University of Science and Technology, Abuja Regulation 10.0. In hearings conducted by a committee, the hearing body will recommend a decision and any appropriate sanction or sanctions to the Vice President Academic or designee who will make the decision. Although the rules of evidence do not apply, the ultimate decision in a student conduct matter will not be based exclusively on hearsay that would not be admissible in a civil court proceeding. Written notice of the decision and any sanction(s) to be imposed shall be provided by the Vice President Academic or designee to the charged student.
- f) The general guideline for the timing for conducting a review or hearing in Student Honor Code or Student Conduct Code cases is twenty (20) business days from the date the case is referred to the hearing or reviewing body or person. In the event the hearing or reviewing committee or administrator is unable to conduct the hearing or review within this time frame, then, if the Vice President Academic or designee deems it reasonable and feasible to reassign the case after consulting with the hearing or reviewing committee or administrator, the Vice President or designee may reassign the case to a different hearing body or hearing or reviewing administrator for a timely resolution. The Vice President or designee shall notify the student in writing whether or not the case will be reassigned, provided that any decision to reassign is subject to the consent of the charged student. If the Vice President or designee decides not to reassign the case, the charged student may appeal the Vice President's or designee's decision not to reassign the case, in writing, to the President within five (5) business days after being notified of the decision. The decision of the President or designee shall be final.