

a student is the subject of a violation of local, state, or federal law; or when, in the judgment of university officials, a student's alleged misconduct has a negative effect on the university's pursuit of its mission or on the well being of the greater community.

IV. Violations of Law and University Regulations

Students may be accountable both to civil authorities and to the university for acts that constitute violations of law and of this Code. Disciplinary action at the university will normally proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

V. Definitions

- A. "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.
- B. "Coercion" – to force one to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, emotional intimidation, or the use of physical force. Coercion also includes forcing a person to act by impairing the faculties of that person through the administration of a substance.
- C. "Consent" —words or 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.
- D. "Disciplinary conference"—a forum in which a hearing officer meets with a student to resolve an alleged violation of the Code.
- E. "Disciplinary hearing"—a forum in which a panel of the Conduct Council meets with a student to resolve an alleged violation of the Code.
- F. "Disorderly"—conduct which a reasonable person, under similar circumstances, should be expected to know would disturb the peace.
- G. "Group"—persons who are associated with each other, but who have not complied with university requirements for recognition as an organization.
- H. "Harassment"—an intimidating, hostile, or coercive act which is intentional or persistent.
- I. "Hearing Administrator" – a staff member who conducts disciplinary hearings as set forth in section XV of this Code.
- J. "Hearing Officer"— a staff member who conducts disciplinary conferences as set forth in Sections XIV of this Code.
- K. "Institution" and "University"— American University and all of its undergraduate and graduate departments and programs.
- L. "Organization"—an association of persons that has met university requirements for formal recognition.
- M. "Preponderance of evidence"—a measure of proof that a reasonable person would accept as "more likely than not" that a fact is true or that an incident occurred.
- N. "Rape"—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" and "coercion"]
- O. "Reckless"—conduct which a reasonable person, under similar circumstances, should be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with normal university or university sponsored activities.