

AMERICAN JEWISH UNIVERSITY HONOR CODE

I. PREAMBLE

- a. As an educational institution fundamentally concerned with the free exchange of ideas, American Jewish University depends on the academic integrity of each of its members. In the spirit of this free exchange, the students and faculty of American Jewish University recognize the necessity and accept the responsibility for academic honesty. Because our community is committed to sustaining its institutional values of personal responsibility, respect, decency, and care, American Jewish University also has high communal expectations regarding general student behavior. An essential aspect of the University's educational mission, as a Jewish institution of higher learning, is to instill in students an understanding that Judaism represents a way of life where prayer and ritual must be accompanied by proper conduct and concern for others. To these ends, the Honor Code of American Jewish University has been developed to reflect the importance of upholding community values and minimizing conflict in order to do our best to be a model human community. The Honor Code is based upon the premise that concern for the individual rights of students must be balanced by the ethos of personal responsibility.
- b. The Honor Code of American Jewish University was written by a committee of undergraduate and graduate students, faculty and administrators and was discussed and approved by the elected and appointed officers of the Associated Students of the College, the Academic Senate and the Graduate Student Association. Under the Honor Code of American Jewish University, students have a two-fold obligation: individually, they must not violate the code, and, as members of a community, they are responsible to see that suspected violations are reported. Where the Honor Code is concerned, an individual's obligation to the student body as a whole and to the reputation of American Jewish University in particular should transcend any reluctance to report suspected infractions.

II. STUDENT RIGHTS AND RESPONSIBILITIES

- a. Every student attending American Jewish University is entitled to the freedoms of speech, assembly, and association as defined within the context of this document. A concomitant responsibility of the University is the maintenance of order on campus to ensure the broadest range of freedom

for all members of the University community. Maintaining the balance between students' rights and responsibilities necessitates the promulgation of rules and regulations that reasonably limit some student activity and proscribe certain behavior as harmful to the orderly operation of the University and the pursuit of its legitimate goals.

- b. Every student also has the right to a fair process. Safeguards have been incorporated into the Honor Code to the extent that some disciplinary sanctions may be appealed and the student may present evidence relevant to the issues involved in the allegations. In matters related to alleged Honor Code violations, an accused student has the right to be accorded a presumption of innocence until such time, if ever, that their guilt is established by a preponderance of evidence. They have the right to remain silent at a hearing and, at the same time, to be assured that said silence shall not be construed as evidence of guilt. They have the right to be apprised of the evidence to be presented against them and the right to present evidence in rebuttal. They also have the right to present evidence on their behalf. Students, however, do not have the right to utilize legal counsel at any point during a university honor code violation investigation or hearing unless mutually agreed to by the student and the University.
- c. Students also have the right to confidentiality. All proceedings and/or records related to each student conduct code case are strictly confidential to the extent the student poses no harm or threat to themselves or others. Student records will be maintained in accordance with the Family Education Rights and Privacy Act of 1974. The Director of Student Affairs shall keep records of all cases. If a student is found guilty of a violation, records of the case will become a part of the student's permanent academic file, which is housed in the Registrar's office. Sanctions of academic or administrative suspension or expulsion will be recorded on the student's permanent academic transcript. Information from student records will not be made available to either persons on or off campus except as provided by FERPA.
- d. Finally, students possess the right to an education and an equal opportunity to learn. The concomitant responsibilities of American Jewish University include goals for student learning, assessment of student performance and the provision of faculty and instructional resources to meet these expectations.

- e. American Jewish University is dedicated to preventing any form of discrimination by or toward students. It is a violation of University policy to discriminate based on age, sex, race, color, creed, religion, marital status, national origin or ancestry, physical or mental disability, medical condition including genetic characteristics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. If any student believes that unlawful discrimination has occurred, they may contact the Office of Equity, Compliance, and Title (phone: 310-440-1571, email: titleix@aju.edu).
- f. For the purposes of this article, the following terms are defined:
 - i. The term “member of the campus community” is defined as American Jewish University academic, non-academic, or administrative personnel; students; Board of Directors; or other persons while such persons are on campus property or at a campus function.
 - ii. The term “campus property” includes real or personal property in the possession of, or under the control of, the Board of Directors of American Jewish University, and;
 - iii. All campus dining, retail, or residence facilities whether operated by the campus or a campus auxiliary.
 - iv. The term “deadly weapon” is based upon definitions of state law.
 - v. Reference to behavior described as “lewd, indecent, or obscene” is based upon definitions of state law.
 - vi. The term “hazing” refers to any method of initiation into a student organization or any pastime or amusement engaged in which causes, or is likely to cause bodily danger, or physical or emotional harm to any member of the campus community.
 - vii. Actions which are held to be “intimidating, demeaning, harassing, coercive, or abusive to another person” must be so in the eyes of reasonable observers and not solely in the opinion of the accuser.

III. CONDUCT CODE:

- a. Any student at American Jewish University may be found to be in violation of the Honor Code of American Jewish University for one or more of the following causes:

- i. Academic dishonesty.
- ii. Forgery; alteration; or misuse of campus documents, records, or identification; or knowingly furnishing false information.
- iii. Misrepresentation of oneself or of a student organization to be an agent of the American Jewish University.
- iv. Obstruction or disruption, on or off campus property, of the campus educational process, administrative process, or other campus function. This also includes disruptive behavior in the classroom or at a campus event.
- v. Physical or verbal abuse, on or off campus property, of the person or property of any member of the campus community or members of their family or the threat of such abuse.
- vi. Theft of, or non-accidental damage to, campus property, or property in the possession of, or owned by, a member of the campus community.
- vii. Unauthorized entry into, unauthorized use of, or misuse of campus property.
- viii. The sale, or knowing possession of, or use of dangerous drugs, restricted drugs, illicit drugs or narcotics as those terms are used in California statutes, except when lawfully prescribed pursuant to medical or dental care, or when lawfully permitted for the purpose of research, instruction, or analysis.
- ix. Knowing possession or use of explosives, dangerous chemicals, or deadly weapons on campus property or at a campus function.
- x. Engaging in lewd, indecent, or obscene behavior on campus property or at a campus function.*
- xi. Hazing a member of the campus community.*
- xii. Any actions, including those of a sexual nature or involving sexual activities, which are intimidating, demeaning, harassing, coercive, or abusive to another person, or which invade the right to privacy of another person.*

*(Actions of this nature may also violate AJU's Policy on Prohibition of Sex Discrimination, and therefore may be adjudicated through a separate process under AJU's Procedures on Prohibition of Sex Discrimination).

- xiii. Creating a fire, safety or health hazard.
- xiv. Unauthorized use of a computer system, access codes, or similar devices to access restricted or controlled data, property or areas of the campus.
- xv. Making an accusation which is intentionally false or is made with reckless disregard for the truth against any member of the campus community.
- xvi. Soliciting or assisting another to do any act which would subject a student to disciplinary action under the Honor Code of the American Jewish University.
- xvii. Failure to report known Honor Code infractions committed by fellow students.

IV. STANDARDS OF ACADEMIC INTEGRITY: The term "academic dishonesty" which appears in the Conduct Code, Section A, includes but is not limited to the following definitions:

a. Examination Behavior:

- i. Unless expressly permitted by the instructor, use of external assistance during an examination shall be considered academically dishonest. Inappropriate examination behavior includes but is not limited to:

1. Communicating with another student in any way during an examination,
2. Copying material from another student's examination,
3. Allowing a student to copy from one's examination,
4. Using unauthorized notes, calculators, the Internet or other sources of unauthorized assistance.

b. Fabrication

- i. Any intentional falsification, invention of data, or false citation in an academic exercise will be considered to be academic dishonesty.
 - ii. Fabrication involves but is not limited to: (1) inventing or altering data for a laboratory experiment or field project, (2) padding a bibliography of a term paper or research paper with sources one did not utilize, (3) resubmitting returned and corrected academic work under the pretense of grader evaluation error when, in fact, the work has been altered from its original form.
- c. Plagiarism:
- i. Plagiarism is the representation of the words and ideas of another as one's own in any academic exercise. Plagiarism includes failing to provide in-text and works cited citation(s) for any outside sources. Plagiarism also includes using the original or similar language of a source without quotations. Modifications and rephrasing do not reduce the requirement for providing a citation. Any source material must be phrased in a student's own language or it must be quoted. This also applies to information obtained electronically from the internet as well as print sources.
- d. Other Types of Academic Dishonesty:
- i. Other forms of academic dishonesty include but are not limited to:
 - 1. Submitting a paper written by (either wholly in part) or obtained from another person.
 - 2. Using a paper or essay in more than one class without the instructors' expressed permission.
 - 3. Obtaining a copy of an examination in advance without the knowledge and consent of the instructor.
 - 4. Altering academic records outside of official institutional procedures.
 - 5. Using another person to complete academic assignments such as homework or take-home exams, essays or using another person posing as oneself to take classroom examinations.

V. DISCIPLINARY PROCEDURE FOR HONOR CODE VIOLATIONS

a. INITIATION OF CHARGES AND INVESTIGATION

b. In order to initiate an Honor Code investigation with the Office of Student Affairs, a current matriculated student must complete and submit an AJU grievance form along with any witness statements or supporting evidence. It is the accusing student's responsibility, not that of the University, to gather witness statements and supporting evidence. If University administrators have reason to believe that a policy violation may have occurred, the Office of Student Affairs may launch an investigation without receiving a grievance. Once a grievance has been filed, the Ombudsman will conduct an intake meeting with the Reporting Party. The Reporting Party has the right to request that their name and other identifying information be withheld from the Respondent, and/or that the Ombudsman take no formal action in response to the grievance. If the Reporting Party makes such a request, the Ombudsman will balance the request against the dual obligation to provide a safe and nondiscriminatory environment for all AJU community members, and to remain true to principles of fundamental fairness that require AJU to provide the Respondent with notice of the allegations and an opportunity to respond before action is taken against the Respondent. The Ombudsman will make this determination consistent with the following considerations: (1) the seriousness of the conduct; (2) the respective ages and roles of the Reporting Party and the Respondent; (3) whether there have been other complaints or reports of Prohibited Conduct against the Respondent; and (4) the right of the Respondent to receive notice and relevant information before disciplinary action is sought. Should the Ombudsman determine that, in response to the Reporting Party's request, AJU can satisfy its obligations to the Reporting Party, AJU community members, and the Respondent without proceeding through the Grievance Process described herein, the Ombudsman has the discretion to do so. Absent a request for confidentiality as described above, the Ombudsman will interview the Reporting Party in order to get a basic understanding of the reported Prohibited Conduct. The interview will include questions to understand the key facts upon which the Reporting Party based the report (i.e., the who, what, where, and when), in order to appropriately assess how to proceed. At the conclusion of the Intake Meeting, and if the Reporting Party wishes to move forward with a complaint, the Ombudsman will make an initial threshold determination regarding whether the Reporting Party's report states facts that, if true, would constitute a violation of AJU's student handbook. The Ombudsman will make this threshold determination

within three (3) business days of the Intake Meeting and communicate that finding in writing to the Reporting Party. The Ombudsman determines whether an additional fact-finding investigation is necessary. This fact-finding may involve interviews with named individuals or requests for additional, written statements. While respecting confidentiality as much as possible, the Ombudsman or a representative from the Office of Student Affairs may also consult with other campus administrators, staff, or faculty. Students may not have legal counsel attend any meeting, hearing, or proceeding related to an alleged Honor Code violation, nor will the University communicate about such matters with a student's legal counsel.

VI. INTERIM ACTION

- a. The Ombudsman, jointly with the Vice President for Academic Affairs, may order the immediate restriction or suspension of a student alleged to be in violation of the Honor Code for an interim period prior to the resolution of a disciplinary proceeding if there is reliable or credible information that the continued presence of the student on campus or at University-sponsored events poses a threat of harm or substantial disruption. The decision to restrict or suspend a student for an interim period of time will be communicated in writing to the student by the Office of Student Affairs. Partial suspensions (e.g., from university housing or from specific classes or activities) are also possible. A student who is restricted or suspended may appeal this decision to the Rector within five (5) business days following the effective date of the interim action. Assuming the interim action is not overturned, it will remain in effect until a final decision has been made on the pending charges or until the Ombudsman and the Vice President for Academic Affairs determine that the reasons for imposing the interim action no longer exist.

VII. DECISION

- a. At the conclusion of the investigation the Ombudsman will reach a decision which may include potential sanctions.
- b. The Ombudsman will send the accused student a Final Report detailing the decision within fifteen (15) business days of the conclusion of the investigation. This Final Report will include a description of the procedure for the appeal process.
- c. *Sanctions*

- i. If the Respondent is found responsible for one or more violations of AJU's student conduct policies, AJU will issue sanctions commensurate with the violation(s).
- ii. Any one or more of the sanctions listed here may be imposed on a Respondent who is found responsible for a violation. Sanctions not listed here may also be imposed. Sanctions are assessed in response to the specific violation(s) and any prior discipline history of the Respondent. Sanctions are effective immediately. If the Respondent appeals the findings contained in the Final Report, the sanctions will continue in effect during the appeal.
- iii. Possible sanctions include, but are not limited to:
 1. Warning: Notice, in writing, that continuation or repetition of Prohibited Conduct may be cause for additional disciplinary action.
 2. Censure: A written reprimand for violating the student conduct policy. This conduct status specifies a period of time during which the student's good standing with AJU may be in jeopardy. The student is officially warned that continuation or repetition of Prohibited Conduct may be cause for additional conduct action including probation, suspension, or expulsion from AJU.
 3. Disciplinary Probation: Exclusion from participation in privileged activities for a specified period of time (privileged activities may include, but are not limited to, elected or appointed offices, some student employment, and student life programming). Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation or any other AJU policy violations may result in further disciplinary action.
 4. Removal from Campus Housing: Students may be removed from AJU housing and/or barred from applying for campus housing due to disciplinary violations of this Code.
 5. Suspension: Exclusion from AJU premises, attending classes, and other privileges or activities for a specified period of time, as set forth in the suspension notice. Notice of this action will

remain in the student's conduct file and will be permanently recorded on the student's academic transcript. Conditions for readmission may be specified in the suspension notice.

6. Expulsion: Permanent termination of student status and exclusion from AJU premises, privileges, and activities. This action will be permanently recorded on the student's academic transcript.
7. Revocation of Admission and/or Degree: Admission to, or a degree awarded by, AJU may be revoked for fraud, misrepresentation in obtaining the degree, violation of AJU policies or the Student Code of Conduct, or for other serious violations committed by a student prior to enrollment or graduation.
8. Withholding Degree: AJU may withhold awarding a degree otherwise earned until the completion of the process set forth in this Policy, including the completion of all sanctions imposed, if any.
9. Other: Other sanctions may be imposed instead of, or in addition to, those specified here. Service and/or education may also be assigned.
10. Multiple Sanctions: More than one of the sanctions listed above maybe imposed for any single violation.
11. Suspension, expulsion, and withdrawal pending disciplinary action are permanently noted on a student's transcript.

VIII. APPEAL PROCESS

- a. Should the Respondent accept the decision or sanction, the case will be considered closed. However, should the Respondent wish to appeal the decision, they may do so within seven (7) calendar days of receipt of the letter informing the student of the decision. The appeal must be made in writing to the Ombudsman. The appeal must be based upon one of the following elements in order for the appeal to be reviewed: (1) substantial new information; (2) sanction is disproportionate to the offense; and/or (3) significant procedural error.

- b. *Substantial New Information*: New information has arisen that was not available or known to the Appellant during the investigation or hearing and that could significantly impact the findings. Information that was known to the Appellant during the investigation or hearing but which s/he chose not to present is not new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal; or
- c. *Sanction is disproportionate to the offense*: Appellant believes that the sanction is too severe for the offense. A description of the offense and justification for why the sanction is disproportionate must be included in the written appeal; or
- d. *Significant Procedural Error*: A procedural error occurred that significantly impacted the outcome of the investigation or hearing as it applies to the Appellant (e.g. substantiated bias, material deviation from established procedures, etc.). A description of the error and its impact on the outcome of the case must be included in the written appeal.
- e. All supporting evidence must be included with the written appeal. *There is no appeal past the final decision of the hearing board.*
- f. The role of the Hearing Board is limited. Appeals are not intended to be a full rehearing of the complaint. Appeals are confined to a review of the Appeal Record for the grounds stated above. The findings contained in the Final Report, which is provided to all Hearing Board members, are presumed to have been decided reasonably and appropriately. The Appellant carries the burden of proof to demonstrate that either the alleged error, or the proposed new evidence, would significantly and materially impact the outcome of the proceeding.
- g. The Hearing Board will determine whether any grounds for the appeal are substantiated. If the Hearing Board determines that the Request for Appeal does not meet the standards for an appeal under this Grievance Process, the Appeal Boards will notify both Parties of that outcome within ten (10) business days of receipt of both the appeal and any response to the appeal by the Ombudsman. If the Hearing Board determines that the Request for Appeal does meet the standards for an appeal under this Grievance Process, the Hearing Board will take appropriate action as indicated below.

- h. Procedural Error: If it is determined that a procedural error occurred that was substantially prejudicial to the outcome of the investigation or hearing, the Hearing Board may return the complaint to the Ombudsman with instructions to correct the error, and to reconsider the findings as appropriate. In rare cases, where the procedural error cannot be corrected by the Ombudsman (as in cases of bias), the Hearing Board may order a new investigation with a new investigator.
- i. New Information: If the Hearing Board determines that new information should be considered, the complaint will be returned to the Ombudsman to reconsider the complaint in light of the new information, and to reconsider the original findings as appropriate. The Ombudsman will then prepare an Addendum to the Final Report.
- j. Disproportionate Sanction: If the Hearing Board determines that the sanction(s) is/are disproportionate to the offense, the Hearing Board may issue one or more new sanctions.

IX. THE HEARING

- a. In order to preserve the confidential nature of the disciplinary process, and to protect the privacy of the Respondent and any witnesses who may be called to testify, the hearing conducted by the Hearing Board will be closed. Except as otherwise agreed to by all parties, witnesses will be excluded from the hearing except during their own testimony.
- b. The Hearing Board will consist of three full time faculty members. The Ombudsman will serve as the coordinator of the hearing, as well as a stenographer. This role is purely administrative and the hearing coordinator does not otherwise participate in the hearing.
- c. The Respondent and the Reporting Party may each be accompanied by a personal advisor (not legal counsel), who may provide emotional support. Should either party wish to invite a personal advisor, they must convey this request in writing to the Ombudsman at least three (3) business days in advance of the hearing date, and the Ombudsman must approve this request in writing. A personal advisor is not allowed to directly participate in or speak during the hearing. Should a personal advisor obstruct or disrupt a hearing in any way, the Hearing Board may remove the personal advisor. As addressed previously, unless otherwise agreed upon *by all parties*, attorneys are not

allowed at a hearing, and the University bears no responsibility to respond to any student's legal counsel.

- d. Information regarding prior misconduct will not be used as proof of a current violation, but may be admitted for other purposes - to show that the student had prior experience relevant to the charge or to show that the student had previously been informed that the conduct was unacceptable. Evidence of prior misconduct may be considered by the Hearing Board in determining an appropriate sanction.
- e. A Respondent who fails to appear at the hearing will be deemed to have abandoned their request for an appeal, unless they can demonstrate that an extraordinary circumstance beyond their control prevented their appearance.
- f. The hearing will be recorded manually or by a recording device.
- g. The content and procedure of the hearing will be as follows:
 - i. The Ombudsman will present an overview of the allegations which will summarize the hearing to come.
 - ii. The Reporting Party and then the Respondent may present a short opening statement if they choose.
 - iii. The Hearing Board may ask questions of the Reporting Party and the Respondent.
 - iv. The Ombudsman will call witnesses to provide statements under oath. Witnesses may give a statement or they may choose to just respond to questions posed to them by the Hearing Board. The Hearing Board has absolute discretion to decide upon a format for the hearing and to determine which witnesses are relevant to the outcome determination. A Hearing Board may decline to hear from a witness where they conclude that the information is not necessary for their outcome determination.
 - v. Throughout the proceeding, the parties may refer only to evidence included in the Final Report or submitted as part of the written appeal; no additional information may be introduced.
 - vi. The Reporting Party and then the Respondent may present a short closing statement if they choose.

- vii. The Ombudsman will then summarize the next steps of the judicial process.
- h. Notice of Hearing Outcome
 - i. Following the hearing, the Hearing Board will consider all of the evidence and make a determination, by a preponderance of the evidence, whether the Respondent has violated AJU policies. The Hearing Board will issue a written notice of hearing outcome (the “Final Report”), which will contain the Hearing Officer’s factual findings, determination of whether a policy violation occurred, and a summary of the Hearing Officer’s rationale in support of the hearing outcome. The Hearing Officer will strive to issue the Final Report within fourteen (14) business days of the hearing.
 - ii. The information under “Student Rights and Responsibilities”, Section II, A. and B. is adapted with permission from the Codes of Student Conduct of The California State University, the University of Nevada, Las Vegas, and the University of Maryland.