

The The East African University



Student Code of Conduct

February 2018

Preamble

The community of scholars at TEAU is dedicated to personal growth and academic excellence. By choosing to join the community, each member agrees to comply with certain standards of civilized behavior; and therefore, TEAU adopts this Student Code of Conduct, in order that it might:

- (1) Promote a university environment that supports its educational, research, and outreach missions;
- (2) Protect the members of the community and its resources from disruption and harm;
- (3) Provide a guide to appropriate individual and group behavior; and
- (4) Foster ethical standards and civic virtues, all in keeping with the STUDENT STATEMENT OF VALUES adopted by the Guild Council of TEAU.

All allegations of sexual misconduct, including sexual assault, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed following the procedures set forth in the “TEAU”.

Student Statement of Values

We the students of TEAU are true to the values we uphold. We treat each other and ourselves with respect; we are dependable, following through on obligations; we are committed, faithful to a cause that is greater than ourselves; we are diligent citizens, engaging in service and our community; we share a caring spirit, demonstrating interest and concern; and we are open-minded, valuing the ideas of others; we engage in responsible social conduct that reflects credit upon the University community and model good citizenship in any community. We work with integrity to fulfill the mission of higher education and strive for excellence while forever carrying the banner of TEAU.

Still, on our journeys toward becoming the best versions of ourselves, we learn from the mistakes we make. Furthermore, we understand that rules, regulations, and sanctions do not

exist merely as punitive measure, but rather as guiding principles leading us toward success. This Code of Conduct seeks to create standards, consistent with our values, of the highest order to which we hold our peers and ourselves.

Article I: Definitions

1. The terms “University” mean The East African University (TEAU.)
2. The term “student” includes all persons enrolled at the University, either as a resident student or an on-line student, whether full-time or part-time. The term “student” also includes
 - a. A person who withdraws from enrollment at the University after allegedly violating the Student Code, but before the offense is adjudicated;
 - b. A person once enrolled as a student, not officially enrolled for a particular term in which an offense is committed, but who has a continuing relationship with the University;
 - c. A person living in any University residence hall or family housing, although not enrolled at the University; and
 - d. A person participating as a learner in a program sponsored by the University, even if such program is conducted away from University premises, in any location, including other states and countries.
3. The term “faculty member” means any person hired by the University to conduct classroom, research, or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term “University official” includes any person employed by the University, performing assigned administrative or professional responsibilities.
5. The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed the University. A person’s status in a particular situation shall be determined by the Dean of Students.
6. The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or affiliated with the University (e. g., Greek

Houses, Residence Halls, University vehicles, or off-campus research facilities including adjacent streets and sidewalks).

7. The term “RSO” means any recognized student organization with any number of persons who have complied with the formal requirement for University recognition.
8. The term “shall” is used in the imperative sense.
9. The term “may” is used in the permissive sense.
10. The term “school day(s)” refers to those days during the fall semester and the spring semester when classes are in session.
11. The term “policy” means the written regulations of the University and found in, but not limited to, the Student Code, and TEAU web pages, the computer use policy
12. The term “Complainant” means any person who submits a charge alleging that a student violated this Student Code. When a student believes that s/he has been a victim of another student’s misconduct, the student who believes s/he has been a victim will have the same rights under this Student Code as are provided to the Complainant, even if another member of the University community also submitted the charge.
13. The term “Respondent” means any student or RSO accused of violating this Student Code.
14. The term “Conduct Officer” shall mean the Dean of Students or a University official authorized by the Deputy Vice Chancellor for Academic Affairs to impose sanctions upon students or RSOs found to have violated the Student Code of Conduct or other published University policies and regulations prescribing standards of student conduct.
15. The terms “Disciplinary Procedures” or “University Disciplinary Procedures” refers to the provisions which comprise the hearing process of this Student Code.
16. The terms “Conduct Board” and “University Conduct Board” refer to that body of students and faculty selected pursuant to the provisions of Article IV, paragraph 10.1, which presides over hearings conducted as part of the Disciplinary Procedures.
17. The terms “Appeals Board” and “University Appeals Board” refer to that body of students and faculty selected pursuant to the provisions of Article IV, paragraph 11.1, which hears appeals of the decision made by the Conduct Board.

Article II: Student Code Authority

1. The Dean of Students is that person designated by the TEAU to be responsible for the administration of the Student Code and is authorized by the Deputy Vice Chancellor for academic Affairs, as the Conduct Officer, to impose sanctions upon students or RSOs found to have violated the Student Code or other published University policies and regulations prescribing standards of student conduct.
2. Decisions made by the University Conduct board, or if appealed, then by the University Appeals Board, shall be final.

Article III: Proscribed Conduct

A. Jurisdiction of the University Student Code of Conduct

1. The Student Code shall apply to conduct that occurs:
 - a. On University premises, including all TEAU locations, physical campuses and any University affiliated programs located in other states or countries.
 - b. Off University premises, if the conduct is determined by the Dean of Students to adversely affect the University community, its members, its reputation or the pursuit of its objectives.
2. The Student Code applies to student conduct which occurs from the time of enrollment through the actual awarding of a degree, even if the conduct occurs prior to the start of classes or is discovered after a degree is awarded.
3. An RSO is responsible before a member's conduct from the time the student is admitted to membership until the earlier of the student's permanent termination from membership or is awarded a degree.

All allegation of sexual misconduct, including, sexual assault, sexual violence, dating violence, smoking, talking hard drugs, homosexuality, domestic violence or stalking are investigated and addressed following the procedures set forth in the "TEAU".

B. Conduct – Rules and Regulations

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

1. Acts of academic dishonesty, including but not limited to the following:

1a. Cheating: Copying or attempting to copy from an academic test or examination of another student; using or attempting to use unauthorized materials, information, notes, study aids or other devices for an academic test, examination or exercise; engaging or attempting to engage the assistance of another individual in misrepresenting the academic performance of a student; or communication information in an unauthorized manner to another person for an academic test, examination or exercise.

1b. Fabrication or Falsification: Falsifying or fabricating any information or citation in any academic exercise, work, speech, research, test or examination. Falsification is the alteration of information, while fabrication is the invention or counterfeiting of information.

1c. Plagiarism: Presenting the work of another as one's own (i.e., without proper acknowledgement of the source) and submitting examination, theses, reports, speeches, drawings, laboratory notes or other academic work in whole or in part as one's own when such work has been prepared by another person or copied from another person. Materials covered by this prohibition include, but are not limited to, text, video, audio, images, photographs, websites, electronic and online materials, and other intellectual property.

1d. Abuse of Academic Materials: Destroying, defacing stealing, or making inaccessible library or other academic resource material.

1e. Complicity in Academic Dishonesty: Helping or attempting to help another student to commit an act of academic dishonesty.

1f. Falsifying Grade Reports: Changing or destroying grades, scores or marking on an examination or in a faculty member's records.

1g. Impermissible Collaboration: Collaborating on any academic exercise, work, speech, test or examination unless expressly authorized by the faculty member. It is the obligation of the student to know whether collaboration is permitted.

1h. Misrepresentation to Avoid Academic Work: Misrepresentation by fabrication an otherwise justifiable excuse such as illness, injury, accident, etc., in order to avoid or delay timely submission of academic work or to avoid or delay the taking of a test or examination.

1i. Other: Academic units and members of the faculty may prescribe and give students prior notice of additional standards of conduct for academic honesty in a particular course, and violation of any such standard of conduct shall constitute misconduct under this Student Code and the University Disciplinary Procedures.

Any student found guilty of academic dishonesty may be subject to both academic and disciplinary sanctions.

- a. In cases where a faculty member finds that a student has committed any act of academic dishonesty, the faculty member may, in the exercise of his or her professional judgment, impose an academic sanction as severe as giving the student a failing grade in the course. Before imposing an academic sanction the faculty member shall first attempt to discuss the matter with the student. If deemed necessary by either the faculty member or the student, the matter may be brought to the attention of the student's major adviser, the faculty member's department chairperson or head, or the dean of the college in which the student is enrolled. When academic sanction is imposed which causes the student to receive a lowered course grade, the faculty member shall make a report in writing of the facts of the case and the academic sanction imposed against the student to the faculty member's department chairperson or head and to the Conduct Officer. The student shall be provided with a copy of this report. Further, the faculty member may recommend the institution of disciplinary proceedings against the student for violation of this Student Code, if the faculty member in the exercise of his or her professional judgment believes that such action is warranted.

- b. In cases where a faculty member's finding of academic dishonesty is admitted by the student and an academic sanction is imposed by the faculty member, which the student believes to be too severe, the student shall have the right to appeal the severity of the academic sanction through the applicable grade appeal procedure.
- c. In cases where a faculty member's finding of academic dishonesty is disputed by the student, the matter shall be referred to the Dean of Students for disposition in accordance with the University Disciplinary Procedures. Any academic sanction imposed by the faculty member shall be held in abeyance pending a final decision under the University Disciplinary Procedures. If it is determined through these procedures that the student did not commit academic dishonesty, the faculty member's academic sanction shall be set aside. If it is determined that the student committed academic dishonesty, the faculty member's academic sanction shall be imposed in addition to any disciplinary sanction which may be imposed under the University Disciplinary Procedures

2. Furnishing False information to any University official, faculty member, or office.

3. Forgery, alteration, or misuse of any University document, record, or instrument of identification.

4. Disruption or obstruction of teaching, research, administration, disciplinary, proceedings, and other University activities on or off-campus, including its public service functions on or off-campus.

5. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct that threatens or unreasonably endangers the mental or physical health, safety or reputation of any person or oneself, including any such conduct achieved through means of social media or any other means of electronic communication.

6. Attempted or actual theft of and/or damage to property of the University or property of a member of the University community on or off campus.

7. Hazing, defined as any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any student organization.

Such hazing activity shall include, but not be limited to, whipping, beating, branding, forced and prolonged calisthenics, prolonged exposure to elements, forced consumption of any food, liquor, beverage, drug or harmful substance not generally intended for human consumption, prolonged sleep deprivation, or any brutal treatment of the performance of any act which endanger the physical or mental health or safety of any person.

8. Improper Initiation Rituals, more specifically described as, intentionally adopting or implementing a practice of activity for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or RSO that requires exertion or deprivation or embarrassment over a sustained period of time that can reasonably be expected to interfere with a student's academic performance, or if publicly known could reasonably be expected to diminish the reputation of the group, RSO, or the University, whether within or outside of the University. Any practice or activity that is not publicly advertised in advance of its implementation shall be presumed to violate this section and the group or RSO shall have the burden of showing that its practice or activity does not violate this section. The express or implied consent of the victim will not be a defense.

9. Failure to comply with direction of University officials or law enforcement officer acting in the course and scope of their University job duties and/or failure to identify oneself to these persons when requested to do so.

10. Unauthorized possession, duplication or use of keys and/or keycards to any University premises or unauthorized entry to or use of University premises.

11. Violation of any East African University policy, rule, or regulation published in hard copy or available electronically on the EastAfrican University (TEAU) websites.

12. Violation of any Kenyan law.

13. Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances, or drug paraphernalia, except as expressly permitted by law.

14. Use, possession, manufacturing, or distribution of alcoholic beverages on University premises (except as expressly permitted by the University), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age in Kenya.

While the policy diverts penalties within the Disciplinary Procedures, students may still be charged by law enforcement officials with violations of federal, state or local laws.

15. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on University premises or, the use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear for others.

16. Conduct that is disorderly or indecent, including public urination; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University or members of the University community.

A person commits disorderly conduct if she or he:

- a. Engages in fighting, assault and battery;
- b. Makes unreasonable noise and continues to do so after being asked to stop; or
- c. Disrupts a lawful assembly of persons.

17. Theft or other misuse of computer facilities and resources, including but not limited to:

- a. Unauthorized entry into a file, to copy, use, read, or change the contents, or for any other purpose.
- b. Unauthorized transfer of a file.
- c. Use of another individual's identification and/or password.
- d. Use of computing facilities and resources to interfere with the work of another student, faculty member or University Official.

- e. Use of computing facilities and resources to send obscene or abusive messages.
- f. Use of computing facilities and resources to interfere with normal operation of the University computing system.
- g. Use of computing facilities and resources in violation of copyright laws.
- h. Any violation of the University Computer Use Policy

18. Smoking in any University facility or vehicle.

19. Turning in false fire alarm or bomb threat or misusing fire safety equipment on University Premises, including any student housing unit is a Student Code violation.

20. Failing to report a fire or any other extremely dangerous condition when known or recognized on the campus.

21. Sexual assault or any other uninvited behavior of a sexually explicit nature including but not limited to sexual harassment, dating or domestic violence, and stalking. All allegations of sexual misconduct, including sexual assault, sexual violence, dating violence, domestic violence, or stalking are investigated and addressed following the procedures.

22. Abuse of the University Disciplinary Proceedings, including but not limited to:

- a. Failure to obey the notice from a Disciplinary Committee or University official to appear for a meeting or hearing as part of the Disciplinary Proceedings.
- b. Falsification, distortion, or misrepresentation of information before a Disciplinary Committee.
- c. Disruption or interference with the orderly conduct of a Disciplinary Committee proceeding.
- d. Filing a malicious or frivolous complaint.
- e. Attempting to discourage an individual's desire or efforts to engage in a permitted participation or use of the Disciplinary Procedures.
- f. Attempting to influence the impartiality of a member of a Conduct Board prior to, and/or during the course of, the Conduct Board proceeding.

- g. Harassment (verbal or physical) and/or intimidation of a member of a Conduct Board prior to, during, and/or after a disciplinary proceeding.
- h. Failure to comply with the sanction(s) imposed under the Student Code.

C. Violation of Law and University Discipline

When a student is charged by Kenyan Officials, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Student Code, the University may advise off-campus authorities of the existence of the Student Code and how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the condition imposed by criminal courts for the rehabilitation of student violators. Individual students and other members of the University community remain free to interact with governmental representatives as they deem appropriate.

D. Referral to Civil or Criminal Authorities

When circumstances warrant, the University administration will refer acts of misconduct to appropriate civil or criminal justice authorities.

Article IV: Student Code of Conduct Disciplinary Procedures

1. General

1.1 Right to Disciplinary Proceeding. Except in cases of temporary suspension ordered by the Chancellor or Vice Chancellor for Academic Affairs as hereafter provided, suspension, expulsion or other disciplinary sanction for misconduct may not be imposed without a disciplinary proceeding in accordance with these Disciplinary Procedures.

1.2 Student Court Jurisdiction. Nothing in these Disciplinary Procedures shall affect the jurisdiction of the Student Court of the Association of Students of The East African University Kenya with respect to RSOs and other non-disciplinary student matters.

1.3 Disciplinary Procedures of Subordinate Conduct Boards. All subordinate conduct boards shall model their disciplinary procedures insofar as possible after these Disciplinary Procedure. See Section 13 relating to subordinate Disciplinary Committee.

1.4 Conduct Officer. The Conduct Officer shall mean the Dean of Students or a University official authorized by the Vice Chancellor Academic Affairs to impose sanctions upon students or RSOs found to have violated the Student Code or other published University policies and regulations prescribing standards of student conduct.

2. Rights of the Complainant and Respondent

2.1 Complaint. Any member of the University community may file a written misconduct complaint against a student or RSO alleging misconduct under the Student Code or other policy. Misconduct complaints shall be filed in the Office of Student Affairs.

2.2 Responsibility of the Conduct Officer. If the Conduct Officer determines that the misconduct alleged in a complaint warrants the institution of disciplinary proceedings, he or she shall insure compliance with these Disciplinary Procedures.

2.3 Disqualification of Conduct Officer. In the event the Conduct Officer may be a material witness in any disciplinary proceeding or for any reason cannot perform his or her duties under these Disciplinary Procedures, the Vice Chancellor for Academic Affairs shall appoint an acting Conduct Officer to perform such duties.

2.4 Review of Complaint. The Conduct Officer shall make a preliminary investigation of each complaint to determine whether it may be disposed of without institution of disciplinary proceedings. Within 20 school days after receipt of a written misconduct complaint against a student or RSO, the Conduct Officer must decide on one of three course of action: (a) dismiss the complaint, (b) propose an administrative disposition to the student or RSO, or (c) initiate a disciplinary proceeding before the University Disciplinary Committee

2.5 Informal Meeting. The Conduct Officer may conduct an informal meeting with a student or RSO accused of misconduct to discuss the misconduct alleged. Prior to any such informal

meeting the student or RSO accused of misconduct shall be appraised in writing of the following:

- a. The source and nature of the misconduct complaint which has been filed.
- b. That the student or RSO is entitled to be accompanied by the Guild President or an adviser at the expense of the student or RSO at any meeting or hearing relevant to the misconduct alleged in the complaint.

2.6 Failure to Appear. If a student or RSO accused of misconduct fails to appear at an informal meeting requested by the Conduct Officer, the Conduct Officer may initiate disciplinary proceedings before the University Disciplinary Committee.

3. Temporary Suspension

Pending initiation of disciplinary proceedings by the Conduct Officer, the Chancellor or Vice Chancellor for Academic Affairs may at any time temporarily suspend a student from the University or deny a student readmission when the Chancellor or Vice Chancellor for Academic Affairs finds and believes from information coming to his or her attention that the presence of the student on the University campus would seriously disrupt the University or constitute a danger to the health, safety or welfare of other persons, the students, or property of the University or members of the University community. If a student is temporarily suspended by the Chancellor or Vice Chancellor for Academic Affairs, the Chancellor or Vice Chancellor for Academic Affairs shall promptly instruct the Conduct Officer to initiate appropriate disciplinary proceedings against the student within two (2) working days after temporary suspension is imposed. If a student placed on temporary suspension is ultimately found not guilty of misconduct, such student shall be allowed if at all possible to make up academic work missed while on temporary suspension.

4. Administrative and Disciplinary Committee Proceedings.

4.1 General. If the Conduct Officer determines that the institution of a University disciplinary proceeding for alleged misconduct is in the best interests of the University and/or the University community, such proceeding shall be instituted against the student or RSO accused of

misconduct in accordance with the procedures for administrative disposition or the procedures for conduct board disposition hereinafter provided.

4.2 Conduct Board Disposition. If a student or RSO rejects administrative disposition of a disciplinary proceeding proposed by the Dean of Students, the Conduct Officer shall institute a disciplinary proceeding against the student or RSO before the University Disciplinary Committee for the misconduct alleged in the complaint. The disciplinary proceeding so instituted shall be limited to those Student Code violation listed in the rejected administrative disposition, unless new evidence becomes available after the administrative disposition was rejected. Further, the Dean of Students in the exercise of his or her reasonable judgment may institute a disciplinary proceeding for alleged misconduct directly before the University Disciplinary Committee without first offering administrative disposition to a student or RSO accused of misconduct.

4.3 Jurisdiction. The University Disciplinary Committee shall have general original jurisdiction under these Disciplinary Procedures to hear and decide any disciplinary proceedings against a student or RSO accused of misconduct.

5. University Disciplinary Committee Procedure

5.1 Notice. All disciplinary proceedings before the University Disciplinary Committee shall be instituted by written notice delivered to the student accused of misconduct or delivered to an officer of the RSO accused of misconduct. Such written notice shall contain the following information:

- a. Source of the misconduct complaint.
- b. Statement of alleged facts constituting misconduct under the Student Code or other policy.
- c. Citation of the specific provision(s) of the Student Code of Conduct or other policy alleged to have been violated.
- d. Description of the pertinent information (e.g. records, statements, images or other information) to be presented in support of the alleged misconduct.

- e. Date, time and place of the hearing before the Disciplinary Committee. Each hearing shall be at least three (3) school days after the date of receipt of the written notice.
- f. A statement that the student or RSO accused of misconduct may be accompanied by the Guild President or other adviser at the hearing before the Disciplinary Committee, to be provided at the expense of the student or RSO, and that such Guild President or adviser may advise the student or RSO, but may not directly participate in the hearing.
- g. That the student or RSO accused of misconduct is under no obligation to admit the truth of the alleged misconduct or to make any other statement at the hearing relevant to the alleged misconduct, and that refusal to testify or make a statement will not be considered as an indication of guilt.
- h. That the student or RSO accused of misconduct has the right to inspect before the hearing in the office of Student Affairs ends to present at the hearing, and that the student or RSO will be advised in writing prior to the hearing of any pertinent information subsequently discovered, which the Dean of Students intends to present at the hearing and given an opportunity to inspect such information.

5.2 Failure to Appear. The student accused of misconduct or a Dean of Students or the RSO accused of misconduct will be expected to be present at the hearing before the Disciplinary Committee. If the student or a Dean of Students or the RSO fails to appear at the time and place designated for the hearing, the Disciplinary Committee shall proceed with the hearing if a majority of the Disciplinary Committee members present are satisfied that the student or RSO has received written notice as required by Section 5.1. The Disciplinary Committee will then proceed in the absence of the student or RSO and render a decision, based upon the information presented at the hearing.

5.3 Quorum. Every student or RSO accused of misconduct in disciplinary proceedings before the Disciplinary Committee is entitled to a hearing by a quorum of the Disciplinary Committee. A quorum will consist of at least four faculty members and Guild President of the Disciplinary Committee. If a quorum is not present, the student or student officer of the RSO, as the case may be, and the Dean of Students may stipulate and agree in writing that the Disciplinary Committee hearing may be conducted and the case may be decided by those Disciplinary Committee

members present even though a quorum has not been established. If there is no such stipulation, the hearing shall be rescheduled as soon as is reasonably possible.

5.4 Status Pending Conduct Board Proceedings. The status of a student accused of misconduct shall not be altered and the right of a student to be present on campus and to attend classes shall not be suspended during the time of any pending disciplinary proceeding against the student unless the Vice Chancellor for Academic Affairs determines that suspension of the student is required for compelling reasons, including but not limited to the protection of the health, safety or welfare of the student, other persons, or the property of the University and/or the members of the University community. The status of an RSO accused of misconduct shall not be altered pending any disciplinary proceeding, unless the Vice Chancellor for Academic Affairs determines that suspension of the RSO from the University is required for compelling reasons in order to protect the health, safety or welfare of the members of the University community, their property or that of the University.

5.5 Disqualification of a Disciplinary Committee Member

- a. If any member of the Disciplinary Committee believes that associations, relationships, or other circumstances exist such that he or she is unable, or is perceived to be unable, to render a fully fair and impartial decision, such Disciplinary Committee member shall disqualify himself or herself from participation in the proceeding. Additionally, a member may elect not to serve on the Disciplinary Committee for a particular proceeding if the member in the exercise of reasonable discretion believes there may be an appearance of impropriety by serving as a member of the Disciplinary Committee for that proceeding. The foregoing shall not relieve the Disciplinary Committee from the requirement of maintaining a quorum as required by Section 5.3 above.
- b. At the beginning of any hearing before the Disciplinary Committee, prior to any presentation of pertinent information related to the alleged misconduct, each member of the Disciplinary Committee shall state and affirm on the record that to the best of their knowledge and belief, he or she is able, and knows of no reason why, he or she would be unable, or would be perceived as unable, to render a fully fair and impartial decision for the matter before the Disciplinary Committee.

5.6 Conduct Board Hearings Closed. All hearings of the Disciplinary Committee shall be private and closed to the public; provided that the Complainant, the Respondent and their advisors, if any, shall be allowed to attend the entire portion of the hearing at which information is presented. Admission of any other person to the hearing shall be at the discretion of the Disciplinary Committee in consultation with the Deputy Vice Chancellor for Academic Affairs. Neither the Complainant, nor the Respondent, nor their advisors, if any, shall be allowed to attend the deliberations of the Disciplinary Committee.

5.7 Right to Separate Hearing. In any proceeding involving more than one Respondent, any Respondent may request and the Disciplinary Committee, at its discretion may grant, a separate disciplinary proceeding before the Disciplinary Committee meeting.

5.8 Hearing during the 15th Week, Finals Week of the Trimester. Conduct hearings may better during the last two weeks of each Trimester (15th Week and Finals Weeks). During these time periods the Vice Chancellor Academic Affairs is preparing the annual report for the Academic Department.

5.9 Decisions. The Conduct Board shall render a written decision in each proceeding in accordance with the requirements of Sections 7.1 and 7.2 of these Disciplinary Procedures.

6. Rules Applicable to the Conduct Board Hearing

6.1 Pertinent Information and Summary Presentations. Pertinent information related to the alleged misconduct shall be submitted in the following order: (i) information presented by the Dean of Students in relation to the alleged misconduct, (ii) information presented by the student or RSO accused of misconduct, and (iii) further information or explanation presented by first, the Dean of Students, followed by the accused student or RSO, such presentations to be confined to rebutting the other's information presented at the hearing. After the presentation of all pertinent information, the Dean of Students shall be given the opportunity to make a presentation summarizing the information and position of the University, followed by a presentation by the student or RSO summarizing the Respondent's position.

6.2 Witnesses. The Conduct Board, the Complainant and the Respondent may arrange for witnesses to present pertinent information to the Disciplinary Committee. Witnesses will provide information to and answer questions from the Disciplinary Committee. Questions may be suggested by the Complainant or the Respondent to be answered by each other or by other witnesses. This will be conducted the Disciplinary Committee with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Disciplinary Committee.

6.3 Attorney or Adviser Not Allowed to Participate in Hearing. An attorney or other adviser for a Complainant or a Respondent may be present at the hearing solely to advise, and may not directly participate in the hearing. Without limiting the generality of the foregoing sentence, an attorney or other adviser shall not be permitted to make oral presentation or arguments, ask questions of the Disciplinary Committee examine or cross-examine a witness, or object to testimony of a witness or to introduction of other evidence.

6.4 Evidentiary Rules. Formal rules of process, procedure, and technical rules of evidence, like those applied in criminal or civil court, are not used, nor are they applicable, in proceedings before the Disciplinary Committee. Incompetent, irrelevant, immaterial, and unduly repetitious information may be excluded. The Disciplinary Committee shall in its sole discretion determine whether information shall be heard at the hearing and/or considered in its deliberations.

6.5 Verbatim Record. The Disciplinary Committee shall make a confidential verbatim record of each hearing. Such verbatim record shall be made by such method of recording or recording device as the University deems suitable. The recording shall be the property of the University. Copies of such record may be obtained by a Respondent upon payment of the cost of duplication and used only for the purpose of an appeal under these Disciplinary Procedures or as otherwise required by law. In no event shall the record of a Disciplinary Committee hearing be used in a manner which violates the privacy or other rights of any students, University employee or other person, whether such rights are set forth in law or the policies of The East African University.

Any form of distribution of the recording, other than as permitted above, shall constitute a separate and actionable violation of the Student Code.

7. Conduct Board Decision

7.1 The Conduct Board's decision shall be made on the basis of whether it is more likely than not that the Respondent violate the Student Code. After hearing and considering the pertinent information presented, the Disciplinary Committee shall, by a majority vote, render a decision as follows:

- a. Not in Violation. Misconduct has not been proved; **or**
- b. In Violation. Misconduct be been proved. In this case the Disciplinary Committee may decide not to impose a disciplinary sanction, if mitigating circumstance warrant that no sanction be imposed, or it may decide to impose one or more, or any combination, of the disciplinary sanctions follows:
 1. **Warning:** A notice in writing to the Respondent that the Respondent is violating or has violated specific designated section of the Student Code.
 2. **Probation:** A written reprimand for violation of specific designated section of the Student Code. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the Respondent is found to violate the terms of the probation or any provision of the Student Code during the probationary period.
 3. **Loss of privileges:** Denial of specified privileges for a designated period of time.
 4. **Fines:** Previously established and published fines may be imposed.
 5. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 6. **Discretionary Sanctions:** Work assignments, essays, service to the University, or other related discretionary assignments.
 7. **Residence Hall Suspension:** Separation of the Respondent from the residence halls for a definite period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.

8. **Residence Hall Expulsion:** Permanent separation of the Respondent from the residence halls.
9. **University Suspension:** Separation of the Respondent from the University for a definite period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.
10. **University Expulsion:** Permanent separation of the Respondent from the University.
11. **Revocation of Admission and/or Degree:** Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violation committed by a student prior to graduation.
12. **Withholding Degree:** The University may permanently withhold awarding a degree, or withhold the award of a degree pending the completion of the Disciplinary Procedures, including the completion of all sanctions imposed, if any.

7.2 Written Decisions; Deliver.

The Conduct Board shall render its decisions in writing within ten (10) school days after the conclusion of a hearing. Each decision shall contain findings of fact as well as the Disciplinary Committee's disposition of the proceedings and shall be delivered to the Office of the Vice Chancellor for Academic Affairs together with the verbatim record of the Conduct Board hearing. In disciplinary proceedings involving crimes of violence, the Dean of Students will if, requested by the alleged victims, disclose to the alleged victims whether the Respondent was found in violation of the Student Code. The disciplinary sanctions imposed on any Respondent may be disclosed to the victims at the discretion of the Dean of Students.

8. Procedural Interpretation;

Supplemental Rule Questions of interpretation arising with respect to the Student Code and its Disciplinary Procedures shall be determined in the discretion of the Conduct Officer. The Conduct Board may adopt supplemental rules and regulations, not in conflict with the provisions of these Disciplinary Procedures, which the Board shall determine to be necessary for the fair and impartial conduct of its proceedings.

9. Rehearing:

A student or RSO found in violation of the Student Code by the Disciplinary Committee may petition the Disciplinary Committee to rehear the proceedings upon the discovery of new and pertinent information within 90 days from the date of the decision of the Disciplinary Committee meeting, except that in cases of suspension a petition for rehearing request may be filed anytime during the term of suspension, and in cases of expulsion there shall be no time limit on the filing of a petition for rehearing. The Disciplinary Committee will judge the sufficiency of the new information, and no appeal may be taken from its decision to either grant or deny the request to rehear the disciplinary proceedings. If a rehearing is granted, the verbatim record of the original hearing shall be fully admissible and considered by the Disciplinary Committee. In order to prevail, the Respondent must demonstrate that, based upon the new information, the original decision is wrong and should be modified or rescinded.

10. Disciplinary Committee Composition and Term of Office

10.1 Membership.

The University Disciplinary Committee shall be composed with two student members and five faculty members. The TEAU Senate shall provide the Vice Chancellor with two Students from the Guild Council who are regular student members to serve on the Disciplinary Committee. The faculty members are: Deputy Vice Chancellor Academic Affairs and Research, Dean of Students, Heads of Departments and the Academic Registrar. All members shall attend a Disciplinary Committee training session prior to serving on the Disciplinary Committee.

10.2 Vacancies.

Vacancies on the Conduct Board, including temporary vacancies may be filled by the Vice Chancellor for Academic Affairs or his or her designee from the list of alternate members appointed by the Vice Chancellor. Should the need arise, the Faculty Senate and the TEAU Senate shall at the request the Deputy Vice Chancellor of Academic Affairs to submit additional lists of alternate members to the Vice Chancellor. Should the Faculty Senate or the TEAU Senate refuse or for any reason fail to submit any of the above-mentioned lists of alternate members to

the Vice Chancellor when requested, he shall directly make any appointment required to fill vacancy on the Disciplinary Committee.

10.3 Term of Office.

Student members of the University Disciplinary Committee shall be appointed for a term of one academic year from the first day of fall term classes extending through the last day of the Academic year. Faculty members shall be appointed for a term of three academic years, with at least one new three-year term commencing each year. Members may be reappointed provided their names are included on the lists submitted to the Chancellor pursuant to Section 10.1.

10.4 Chairperson.

The Deputy Vice Chancellor of Academic Affairs and Research is automatically the Chairperson of the Disciplinary Community and presides the meeting hearings.

10.5 Removal from the Disciplinary Committee.

If any of the following situation occur, a member may be removed from the Conduct Board by the Vice Chancellor for Student Affairs:

- a. A member fails to respond to meeting notices more than twice in a single semester.
- b. A student member is found to be in violation of the Student Code.
- c. A member is found to be in violation of the privacy or other rights of any member of the University community who is involved in a disciplinary proceedings, whether such rights are set forth in law or the policies of The East African University (TEAU). The Vice Chancellor for Academic Affairs determines, in his or her discretion, that a member has engaged in conduct that so adversely impacts and reflects upon the member's honesty, integrity, or moral values, so as to render him or her unable to meaningfully and credibly participate in the hearing, deliberations, or decision of the Conduct Board.

11. Appeals and University Appeals Board Procedure

11.1 Right of Appeal.

A student or RSO found in violation of the Student Code by the University Disciplinary Committee shall have the right to appeal to the Chairperson who has exclusive appellate jurisdiction in all disciplinary proceedings.

11.2 Timeliness.

Any appeal must be submitted in writing to the Chair and received in the Office of the Vice Chancellor for Academic Affairs within fourteen (14) calendar days after the date of mailing or e-mailing the Disciplinary Committee decision to the Respondent.

11.3 Issues to be considered on Appeal.

The Chairperson will consider only the following issues on appeal:

- a. That the information presented to and received by the Disciplinary Committee was not sufficient to support its decision.
- b. That sanctions imposed by the Disciplinary Committee were excessive and not in keeping with the gravity of the misconduct.
- c. That the Disciplinary Committee failed to follow the Disciplinary Procedures and that as a result of such failure the student or RSO did not receive a fair and impartial hearing. An appeal which does not clearly raise in writing one or more of the three issues listed above shall be dismissed without further consideration. The Appeals Board shall limit its review to the issue or issues raised in the written appeal and not others. The Appeals Board shall complete its review of the written appeal within 20 school days after its receipt, and shall promptly issue written notice of its decision to the student or student RSO.

11.8 Quorum. A quorum will consist of one faculty member and two student members. If a quorum is not present, the student or student officer of the RSO, as the case may be, and the Conduct Officer may stipulate and agree in writing that the appeal may be heard by those Appeals Board members present even though a quorum has not been established. If there is no such stipulation, the proceeding shall be rescheduled as soon as is reasonably possible.

11.9 Disqualification of an Appeals Board Member. If any member of the Appeals Board believes that associations, relationships, or other circumstances exist such that he or she is unable, or is perceived to be unable, to render a fully fair and impartial decision, such Appeals Board member shall disqualify himself or herself from participation in the proceeding. Additionally, a member may elect not to serve on the Appeals Board for a particular appeal proceeding if the member in the exercise of reasonable discretion believes there may be an appearance of impropriety by serving as a member of the Appeals Board for that appeal proceeding.

- a. Found to violate the terms of the probation or any provision of the Student Code or applicable rule, during the probationary period.
- b. Behavioral Requirement: A directive to engage in a certain behavior, such as service or denial of privilege provided that the sanction do not violate a students' rights, including but not limited to the American with Disabilities Act (e.g. required mental health counseling.)
- c. Appeals. Appeals from decisions of a Subordinate Conduct Board may be made to the University Appeals Board in accordance with Section 11 of these Disciplinary Procedures.

12. Disciplinary Records

Transcripts of University Academic records will not include information concerning disciplinary action, except in case of expulsion. Information from disciplinary and counseling files will not be made available to unauthorized persons without the express written consent of the person involved, or as otherwise authorized, or required by law.

Disciplinary records shall be destroyed seven years after the last sanction was imposed, except in case of expulsion, where disciplinary records shall be permanently maintained. Notwithstanding the foregoing, records of Honor Code violations of the College of Law shall be maintained only as provided by said Honor Code.

13. Readmission after expulsion

Any student who has been expelled from the University under these Disciplinary Procedures may at any time after seven (7) years from the date of expulsion request readmission to the University by written petition to the Vice Chancellor for Student Affairs, who may or may not grant readmission at his or her discretion.

Article V: Interpretation and Revision

Any question of interpretation or application of the Student Code shall be referred to the Dean of Students or his or her designee for final determination.

POLICY APPROVAL FORM

Checked by:

Dr. KITAMBALA Marcelin

Signature_____

Approved by:

**Prof. Abidi Syed
The Chairman of the University Council**

Signature_____

Done at Kitengela on:_____