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UNIVERSITY OF LOUISIANA AT LAFAYETTE CODE OF STUDENT CONDUCT IS ADAPTED FROM  
**THE NCHERM GROUP MODEL DEVELOPMENTAL CODE OF STUDENT CONDUCT** AND IS USED HERE WITH PERMISSION.

## PREFACE

### Our Mission

*The University of Louisiana at Lafayette offers an exceptional education informed by diverse worldviews grounded in tradition, heritage, and culture. We develop thought-leaders and innovators who advance knowledge, cultivate aesthetic sensibility and improve the human condition.*

### Our Values

*We strive to create a community of thought leaders and innovators in an environment which fosters a desire to advance and disseminate knowledge. We support the mission of the University by actualizing our core values:*

**Equity:** fair treatment; justice

**Integrity:** exemplified in the demonstration of character, honesty, trustworthiness

**Intellectual Curiosity:** strong desire to pursue knowledge and an appreciation of the inherent value of knowledge for its own sake

**Creativity:** transcendence of established ideas

**Tradition:** acknowledgement of the contributions of the Acadian and Creole cultures to this region and our University's history

**Transparency:** practicing open communication and the sharing of information

**Respect:** demonstrating empathy and esteem for others

**Collaboration:** understanding our connection with others and working to realize synergies through teamwork and collegiality

**Pluralism:** belief in the inherent worth of diverse cultures and perspectives

**Sustainability:** making decisions and allocating resources such that we meet the needs of the present while preserving for the future

**University of Louisiana at Lafayette students are responsible for knowing the information, policies and procedures outlined in this document. The University of Louisiana at Lafayette reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online at <http://studentaffairs.louisiana.edu/student-conduct/code-student-conduct-and-appeal-procedures#sanctions> regularly for the updated versions of all policies and procedures.**

## SECTION 1: PHILOSOPHY STATEMENT

The University of Louisiana at Lafayette community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct program within the Office of Student Rights and Responsibilities is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community.

A community exists on the basis of shared values and principles. At the University of Louisiana at Lafayette, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the *Code of Student Conduct*. These standards are embodied within a set of core values that include integrity, equity, respect, and collaboration.

Each member of the University community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these values by engaging in violation of the rules below, campus conduct proceedings are used to assert and uphold the *Code of Student Conduct*.

The student conduct process at the University is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of University policy without information showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

## SECTION 2: JURISDICTION

Students at the University of Louisiana at Lafayette are provided a copy of the *Code of Student Conduct* annually in the form of the following link on the University's website <http://studentaffairs.louisiana.edu/student-conduct/code-student-conduct-and-appeal-procedures#sanctions>. Students are responsible for having read and abiding by the provisions of the *Code of Student Conduct*.

### A. Application of the Code

The *Code of Student Conduct* and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all University affiliated student organizations. For the purposes of student conduct, the University considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.

### B. Enrollment Status

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll and/or obtain official transcripts and/or graduate and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the University may invoke these procedures and should the former student be found responsible, the University may revoke that student's degree.

### C. Purview

The *Code of Student Conduct* applies to behaviors that take place on the campus, at University-sponsored events and may also apply off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of him/herself or others; and/or
- Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational mission and/or interests of the University;

The University's Title IX Coordinator has primary responsibility for coordinating the University's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this University, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. *Sexual Misconduct* against individuals, including *Sexual Harassment*, *Sexual Assault*, rape, and *Sexual Exploitation*, can be a form of sex discrimination under Title IX. Conduct involving *Sexual Misconduct* of any form is governed by the University's [Policy on Prohibited Sexual Conduct](#). The [Procedures for Reporting and Responding to Violations of the Policy on Prohibited Sexual Conduct Involving a Student as a Respondent](#) set forth procedures for reporting, investigation, and responding to reports of violations of the *Policy on Prohibited Sexual Conduct* when a University student (the Respondent) is accused of a violation of the Policy.

The *Code of Student Conduct* may be applied to behavior conducted online, via email or other electronic medium. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials. However, most online speech by students not involving University networks or technology will be protected as free expression and not subject to this Code, with two notable exceptions:

- A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals”;
- Speech posted online about the University of Louisiana at Lafayette or its community members that causes a significant on-campus disruption.

The *Code of Student Conduct* applies to guests of community members whose hosts may be held accountable for the misconduct of their guests. The Code may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of University may seek resolution of violations of the *Code of Student Conduct* committed against them by members of the University community.

#### **D. Reporting Violations**

There is no time limit on reporting violations of the *Code of Student Conduct*, however, the longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to a complaint. Those who are aware of misconduct



are encouraged to report it as quickly as possible to the Office of Student Rights and Responsibilities and/or to University Police.

**E. Official University Conduct-Related Correspondence** University email is the University of Louisiana at Lafayette's primary means of communication with students. **Students are responsible for all communication delivered to their University email address.**

### SECTION 3: VIOLATIONS OF THE LAW

Alleged violations of federal, state and local laws may be investigated and addressed under the *Code of Student Conduct*. When an offense occurs over which the University has jurisdiction, the University conduct process will usually go forward notwithstanding any criminal complaint that may arise from the same incident.

The University reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation and/or complaint (additional grounds for interim suspension are outlined below, on p. 20). Interim suspensions are imposed until a hearing can be held, typically within two weeks. This hearing may resolve the allegation, or may be held to determine if the interim suspension should be continued. The interim suspension may be continued if a danger to the community is posed and the University may be delayed or prevented from conducting its own investigation and resolving the allegation by the pendency of the criminal process. In such cases, the University will only delay its hearing until such time as it can conduct an internal investigation or obtain sufficient information independently or from law enforcement upon which to proceed. This delay will be no longer than two weeks from notice of the incident unless a longer delay is requested in writing by the complaining victim to allow the criminal investigation to proceed before the University process.

Students accused of crimes may request to resign from the University until the criminal charges are resolved. In such situations, the University procedure for voluntary resignation is subject to the following conditions:

- The responding student must comply with all campus investigative efforts that will not prejudice their defense in the criminal trial; and
- The responding student must comply with all interim actions and/or restrictions imposed during the resignation; and
- The responding student must agree that, in order to be reinstated to active student status, they must first be subject to, and fully cooperate with, the campus conduct process and must comply with all sanctions that are imposed.

## SECTION 4: STUDENT CONDUCT

### Core Values and Behavioral Expectations

The University considers the behavior described in the following sub-sections as inappropriate for the University community and in opposition to the core values set forth in this document. These expectations and rules apply to all students, whether undergraduate, graduate, doctoral, professional, and non-degree seeking students.. The University encourages community members to report to University officials all incidents that involve the following actions. The University also encourages bystander intervention in situations where there are known or obvious violations of the *Code of Student Conduct* or laws. Any student found to have committed or to have attempted to commit including but not limited to the following misconduct is subject to the sanctions outlined in Section 6: Conduct Procedures.

**A. Integrity: University of Louisiana at Lafayette students exemplify honesty, honor and a respect for the truth in all of their dealings. Behavior that violates this value includes, but is not limited to:**

- 1) **University Identification.** Students must carry their University ID card (Cajun Card) at all times and present it upon request to any University official or designee;
- 2) **Falsification.** Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instruments; furnishing false information with the intent to deceive; making a false statement and/or making a false report of a crime or university violation;
- 3) **Academic Dishonesty.** Violating of the University's *Academic Honesty* policy, which can be found online at <http://catalog.louisiana.edu/content.php?catoid=9&navoid=2064#Academic%20Honesty>
- 4) **Unauthorized Access.** Unauthorized access to any University facilities or premises, including rooftops; intentionally damaging door locks; unauthorized possession, duplication or use of means of access (i.e. keys, cards, etc.) to any University facility; or failing to timely report a lost University identification card or key;
- 5) **Obstruction.** Intentional, unauthorized, and unreasonable denial of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions. Obstructing or restraining the passage of any person at an exit or entrance to the university campus, property, building, and classroom;
- 6) **Collusion.** Action or inaction with another or others to violate the *Code of Student Conduct*,

**7) Trust.** Violations of positions of trust within the community, including but not limited to: misuse of access privileges to University premises; violation of a position of trust or authority; misuse of University or organization names and images; possession of stolen property; theft; misuse of restricted areas, misuse of University computing facilities, passwords, accounts, or information.

**8) Election Tampering.** Tampering with the election of any University-recognized student organization

**9) Malfeasance.** Misuse of elective or appointive office in a student organization or University committee which is injurious to said organization, its members, or the welfare of the University community. Presidents and students elected or appointed to specific leadership positions are held accountable for the actions of their organization/committee.

**10) Taking of Property.** Intentional and unauthorized taking of University property or the personal property of another, including goods, services and other valuables;

**11) Stolen Property.** Knowingly taking or maintaining possession of stolen property;

***B. Collaboration: University of Louisiana at Lafayette students build and enhance their community by understanding their connection with others. Behavior that violates this value includes, but is not limited to:***

**1) Disruptive Behavior.** Obstruction or disruption of University operations including obstruction of teaching, research, administration, disciplinary procedures, other University activities, and/or other authorized non-University activities which occur on campus; This includes interference with performance of duties of any university official or employee including faculty and staff, residence hall staff and student workers. This includes inappropriate behavior, disorderly conduct and use of electronic devices;

**2) Rioting.** Causing, inciting or participating in any disturbance that presents a clear and present danger to self or others, causes physical harm to others, or damage and/or destruction of property;

**3) Unauthorized Entry/Breaching Campus Safety.** Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespassing, intentionally damaging door locks, or propping or unauthorized use of alarmed doors for entry into or exit from a University building;

- 4) **Trademark.** Violating of the University's Licensing Policy, which can be found online at <http://ocm.louisiana.edu/branding-licensing/licensing/licensing-policy>;
- 5) **Damage and Destruction.** Intentional, reckless and/or unauthorized damage to or destruction of University property or the personal property of another;
- 6) **Information Technology (IT) and Acceptable Use.** Violating the University IT Security and Acceptable Use and Policy, which can be found online at <http://helpdesk.louisiana.edu/policies/it-security-policy>;
- 7) **Gambling.** Gambling as prohibited by the laws of the State of Louisiana. Gambling may include raffles, lotteries, sports pools and online betting activities;
- 8) **Weapons.** Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), body armor, or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade of longer than four inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on University property<sup>1</sup>;
- 9) **Tobacco.** Violating of the University's *Tobacco Free Policy*, which can be found online at <http://safety.louisiana.edu/resource-center/policies/tobacco-free-policy>
- 10) **False Reporting of Emergency.** The making of a false report of a bomb, fire or other emergency in any building, structure or facility on university premises or University related premises by means of activating a fire alarm or in any other manner;
- 11) **Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:
  - a. Intentionally or recklessly causing a fire which damages University or personal property or which causes injury.
  - b. Failure to evacuate a University-controlled building during a fire alarm;
  - c. Improper use of University fire safety equipment; or
  - d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment or use of emergency exits while on

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<sup>1</sup> Subject, of course, to statutorily conveyed rights to possess weapons and/or in locked vehicles on campus.

University property. Such action may result in a local fine in addition to University sanctions;

- e. Setting a fire or the attempt to set a fire on the campus, buildings, or properties or campus related premises without proper authority;
- f. Burning, or the attempt to burn, candles, incense or any flammable substance which may present a fire hazard, or danger to property or person and/or persons on the university campus;

**12) Ineligible Pledging or Association.** Pledging or associating with a student organization without having met eligibility requirements established by the University;

**13) Animals.** Animals, with the exception of animals that provide service and/or assistance (e.g. seeing-eye dogs), and pets as outlined in the Residence Life Handbook, are not permitted within University facilities except as permitted by law; or as outlined by the University policy on animals.

**14) Wheeled Devices.** Skateboards, roller blades, roller skates, bicycles and similar wheeled devices are not permitted inside University buildings, residence halls or on tennis courts. Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities, and individuals may be liable for damage to University property caused by these activities. No electronic skateboard devices (i.e. hover boards) will be permitted for use, charging, possession or storage on University grounds or inside buildings, including campus housing.

**C. Equity: Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing university community. They understand and appreciate how their decisions and actions impact others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:**

**1) Discrimination\*.** Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, gender identity, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, or sexual orientation, or other protected status) that is sufficiently severe that it limits or denies the ability to participate in or benefit from the University's educational program or activities;

\*See also the **University of Louisiana System Policy M-(11)a**, which can be found online at [http://ulsystem.edu/assets/docs/searchable/boards/M%20%2811%29%20%20Prohibiting%20Workplace%20Harassment%20and%20Discrimination%2012\\_3\\_2010.pdf](http://ulsystem.edu/assets/docs/searchable/boards/M%20%2811%29%20%20Prohibiting%20Workplace%20Harassment%20and%20Discrimination%2012_3_2010.pdf)

\*\*Violation may be subject to adjudication through the process outlined in the University's **Prohibited Sexual Conduct Policy**, which can be found online at <http://policies.louisiana.edu/alphabetic>

- 2) **Harassment\***. Any unwelcome verbal, physical, nonverbal conduct, or differential treatment of an individual because of his or her membership in any protected class or category including sex, gender, gender identity, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation or other protected status that unreasonably limits or denies the ability to participate in or benefit from the University's educational program or activities. Any unwelcome conduct should be reported to campus officials, such as the Office of Student Affairs or any Dean, who will act to remedy and resolve reported incidents on behalf of the victim and community.
- a. Hostile Environment. Sanctions can and will be imposed for the creation of a hostile environment only when harassment is sufficiently severe, pervasive (or persistent) and objectively offensive that it unreasonably interferes with, limits or denies the ability to participate in or benefit from the University's educational or employment program or activities.

*\*See also the **University of Louisiana System Policy M-(11)a**, which can be found online at [http://ulsystem.edu/assets/docs/searchable/boards/M%20%2811%29%20%20Prohibiting%20Workplace%20Harassment%20and%20Discrimination%2012\\_3\\_2010.pdf](http://ulsystem.edu/assets/docs/searchable/boards/M%20%2811%29%20%20Prohibiting%20Workplace%20Harassment%20and%20Discrimination%2012_3_2010.pdf)*

*\*\*Violation may be subject to adjudication through the process outlined in the University's **Prohibited Sexual Conduct Policy**, which can be found online at <http://policies.louisiana.edu/alphabetical>*

- 3) **Retaliatory Discrimination or Harassment\***. Any adverse action taken by an responding individual or allied third party, absent legitimate nondiscriminatory purposes, against a participant or supporter of a participant in a civil rights grievance proceeding or other protected activity under this Code or any University policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination.

This includes acts or attempted acts for the purpose of interfering with any report, investigation, or proceeding under the University's *Prohibited Sexual Conduct* policy, or as retribution or revenge against anyone who has reported sexual misconduct or relationship violence, or who has participated or is expected to participate in any manner in an investigation, or proceeding under the *Prohibited Sexual Conduct* policy.

*\*See also the **University of Louisiana System Policy M-(11)a**, which can be found online at [http://ulsystem.edu/assets/docs/searchable/boards/M%20%2811%29%20%20Prohibiting%20Workplace%20Harassment%20and%20Discrimination%2012\\_3\\_2010.pdf](http://ulsystem.edu/assets/docs/searchable/boards/M%20%2811%29%20%20Prohibiting%20Workplace%20Harassment%20and%20Discrimination%2012_3_2010.pdf)*

*\*\*Violation may be subject to adjudication through the process outlined in the University's **Prohibited Sexual Conduct Policy**, which can be found online at <http://policies.louisiana.edu/alphabetical>*

- 4) **Hate Crimes**. Any criminal act which was motivated by bias against any person or group of persons because of ethnicity, race, national origin, religion, gender, gender identity, sexual orientation, or disability of the person or group, or bias based upon the perceptions that the person or

group has one or more of those characteristics. Criminal acts in this case include, but are not limited to the following (See [LA RS 14:107.2](#) for complete list):

- a. Murder
- b. Manslaughter
- c. Battery
- d. Forcible Sex Offenses
- e. Non-forcible Sex Offenses
- f. Robbery
- g. Aggravated Assault
- h. Burglary
- i. Motor Vehicle Theft
- j. Simple Assault
- k. Extortion or Terrorizing
- l. Destruction, Damage, or Vandalism of Property

**5) Abuse of Conduct Process.** Abuse or interference with, or failure to comply in, University processes including conduct and academic integrity hearings including, but not limited to:

- a. Falsification, distortion, or misrepresentation of information;
- b. Failure to provide, destroying or concealing information during an investigation of an alleged policy violation;
- c. Attempting to discourage an individual's proper participation in, or use of, the campus conduct system;
- d. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding;
- e. Failure to comply with the sanction(s) imposed by the campus conduct system;
- f. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system;

***D. Respect: University of Louisiana at Lafayette students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:***

- 1) Harm to Persons\*.** Intentionally or recklessly causing physical harm or threat thereof or endangering the health or safety of any person;
- 2) Harm to Self \*.** Endangering one's own physical well-being, including but not limited to attempting or threatening suicide.

*\*Violation may be subject to adjudication through the process outlined in the University's **Prohibited Sexual Conduct Policy**, which can be found online at <http://policies.louisiana.edu/alphabetical>*

### 3) Threatening Behaviors\*:

- a. **Threat.** Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.
- b. **Intimidation.** Intimidation defined as implied threats or acts that cause a reasonable fear of harm in another; to place another person in reasonable fear or harm through the use of threatening words or conduct;

*\*Violation may be subject to adjudication through the process outlined in the University's **Prohibited Sexual Conduct Policy**, which can be found online at <http://policies.louisiana.edu/alphabetical>*

### 4) Bullying and Cyberbullying.

Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally, on or off campus, and are not protected by freedom of expression.

### 5) Hazing:

is any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against an individual that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any Organization whose members are or include students at the University of Louisiana at Lafayette, including but is not limited to:

- a. The person knew or should have known that such an act endangers the physical health or safety of the other person or causes severe emotional distress.
- b. The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in or maintaining membership in any Organization.

Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent, failing to discourage, or failing to report those acts may also violate this policy. Hazing includes but is not limited to any of the following acts associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any Organization:

- a. Physical brutality, such as whipping, beating, paddling, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity.
- b. Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the



physical health or safety of the individual or causes severe emotional distress.

- c.** Activity involving consumption of food, liquid, or any other substance, including but not limited to an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- d.** Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of Hazing.
- e.** All forms of physical activity not part of an organized and voluntary athletic contest or not specifically directed toward constructive work.
- f.** Any activity that might reasonably bring physical harm to an individual.
- g.** Any activity that would be viewed by a reasonable person as subjecting an individual to embarrassment, degradations, humiliation, ridicule, or intimidation.
- h.** Any action or situation which may lead to compromising an individual's self-respect, moral or religious values, or suffering mental or emotional harm.
- i.** Kidnapping, imprisoning, or abandoning an individual which endangers the health or safety of that individual.
- j.** Planned activities intended to interfere with an individual's employment or family obligations.
- k.** Explicitly or implicitly requiring an individual to wear any degrading, inappropriate, or uncomfortable garments.
- l.** Preventing individuals from wearing any required garments or accessories.
- m.** Activities involving placement of substances on or in the body of an individual (e.g., eggs, paint, honey, etc.).
- n.** Explicitly or implicitly subjecting an individual to cruel and unusual psychological conditions and/or any form of verbal harassment.
- o.** Any form of personal servitude (e.g., driving, cleaning rooms, serving meals, washing cars, purchasing items on another's behalf, etc.).
- p.** Explicitly or implicitly forcing participation in any activity which is illegal, perverse, publicly indecent, or contrary to the individual's genuine morals and/or beliefs (e.g., public profanity, indecent or lewd conduct, sexual gestures in public, etc.).
- q.** Individuals being solely responsible for an Organization's chapter obligations.

- r. Explicitly or implicitly causing, inducing, pressuring, coercing, or requiring an individual to violate any federal, state, or local law, and/or University policy.

It is important to note, physical activity that is normal, customary, and necessary for a person's training and participation in an athletic, physical education, military training, or similar program sanctioned by the postsecondary education institution is not considered "Hazing."

To view the full policy or for more information, go to <https://studentaffairs.louisiana.edu/student-handbook/student-policies/anti-hazing-policy>

- 6) **Dating Violence.** Violations of the University's *Prohibited Sexual Conduct* policy, which can be found online at <http://policies.louisiana.edu/alphabetical>,
- 7) **Domestic Abuse.** Violations of the University's *Prohibited Sexual Conduct* policy, which can be found online at <http://policies.louisiana.edu/alphabetical>,
- 8) **Stalking.** Violations of the University's *Prohibited Sexual Conduct* policy, which can be found online at <http://policies.louisiana.edu/alphabetical>,
- 9) **Sexual Harassment.** Violations of the University's *Prohibited Sexual Conduct* policy, which can be found online at <http://policies.louisiana.edu/alphabetical>,
- 10) **Sexual Misconduct.** Violations of the University's *Prohibited Sexual Conduct* policy, which can be found online at <http://policies.louisiana.edu/alphabetical>,
- 11) **Public Exposure.** Includes deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.
- 12) **Obscenity.** Any communication, publication, or display that taken altogether appeals to the prurient interests in sex, portrays sexual literary, artistic, political or scientific value, all as judged according to the average person in the university community as obscene and/or indecent or inappropriate.
- 13) **Public Profanity.** Profanity or abusive or foul language directed toward a person or persons.

**E. Responsibility: University of Louisiana at Lafayette students are given and accept a high level of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:**

- 1) **Alcohol.** Use, possession, or distribution of alcoholic beverages or paraphernalia in any form on University premises or University related premises, except in those areas where the President of the University (or designee) has authorized the serving of legal beverages, subject to prescribed regulations. (See the *Student Alcohol & Drug Policy*, which is available online at <http://policies.louisiana.edu/alphabetical>);
- 2) **Public Intoxication.** The act of being under the influence of alcohol, narcotics, or other drugs to the degree that endangers oneself, others, or property, or by boisterous and offensive behavior which disturbs others, regardless of age;
- 3) **Underage Possession and/or Consumption.** Possession and/or consumption of alcoholic beverages by persons under the age of 21;
- 4) **Aiding Underage Possession, Purchase, or Consumption.** The assistance or encouragement of underage possession, purchase, or consumption of alcohol by another individual, regardless of age.
- 5) **Driving Under the Influence / Driving While Intoxicated.** Driving under the influence of alcohol or drugs while intoxicated or impaired.
- 6) **Drugs.** Use, possession, attempt to possess, manufacture, sale, or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and the University's Drug Policy (See the *Student Alcohol & Drug Policy*, which is available online at <http://policies.louisiana.edu/alphabetical>);
- 7) **Prescription Medications.** Abuse, misuse, sale, or unlawful distribution of prescription or over-the-counter medications;
- 8) **Flammables.** Burning or the attempt to burn, candles, incense, or any flammable substance which may present a fire hazard, or danger to property or person and/or persons on the University campus.
- 9) **Failure to Comply.** Failure to comply with the reasonable directives of University officials, including faculty and staff, residence hall staff, police officers, student workers, others properly delegated, or law enforcement officers during the performance of their duties; failure to identify oneself by presenting their Cajun Card to these persons when requested to do so; failure to comply with a Letter of Agreement or any sanction imposed by the Student Discipline Committee; failure to comply with the terms of a Voluntary Resignation; failure to respond to a University summons. A violation of failure to respond to a University summons may result in immediate dismissal from the University.
- 10) **Financial Responsibilities.** Failure to promptly meet financial responsibilities to the institution, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or

to an official of the institution acting in an official capacity; failure to pay fines and/or citations issued by University entities by established deadlines.

**11) Arrest.** Failure of any student to accurately report an off-campus arrest by any law enforcement agency for any crime (including non-custodial or field arrests) to the Office of Student Rights and Responsibilities within seventy-two (72) hours of release. Disciplinary actions will be taken at the discretion of the University. Final disposition of disciplinary actions will take into consideration a conviction or lack thereof;

**12) Other Policies.** Violating other published University policies or rules, including those established by, but not limited to Housing, the Office of Student Rights and Responsibilities, Admissions, Registrar, Administration and Finance, Academic Deans, Communications and Marketing, Library, University Police Department or the Office of the Vice President for Student Affairs. This includes violation of any or all published rules governing conduct in residence halls, dining halls, University Union, or conduct on University premises and fraternity and sorority housing or university related premises;

**13) Health and Safety.** Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.)

**14) Violations of Law.** Evidence of violation of local, state or federal laws, when substantiated through the University of Louisiana at Lafayette's conduct process.

## **SECTION 5: STUDENT CONDUCT AUTHORITY**

### **A. Authority**

Under the direction of the Dean of Students, the Director of Student Rights and Responsibilities is vested with the authority over student conduct and Responsibility to oversee and manage the student conduct process.

The Director of Student Rights and Responsibilities (or designee) will assume responsibility for the investigation of an allegation of misconduct to determine if the complaint has merit.

The Dean of Students and Director of Student Rights and Responsibilities may appoint administrative hearing and appeals officers as deemed necessary to efficiently and effectively supervise the student conduct process.

### **B. Gatekeeping**

No complaint will be forwarded for an administrative hearing unless there is reasonable cause to believe a policy has been violated. Reasonable cause is defined as some credible information to support each element of the offense, even if that information is merely a credible witness or a victim's statement. A complaint wholly unsupported by any credible information will not be forwarded for a hearing.

### **C. Conflict Resolution Options**

The Director of Student Rights and Responsibilities has discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and to be bound by the decision with no review/appeal. Any unsuccessful conflict resolution can be forwarded for an administrative hearing; however, at no time will complaints of violence be mediated as the sole institutional response. The Director of Student Rights and Responsibilities may also suggest that complaints that do not involve a violation of the *Code of Student Conduct* be referred for mediation or other appropriate conflict resolution.

### **D. Administrative Hearing Officers**

Administrative Hearing Officers (AHO) are chosen from the annually trained administrators or staff members within the Office of Student Rights and Responsibilities and selected by the Director of Student Rights and Responsibilities.

### **E. Composition of the Discipline Appeals Committee**

Under the direction of the President, the Vice President for Student Affairs (or designee) is primarily responsible for administration of student discipline.

The Director of Student Rights and Responsibilities will be responsible for assembling the Discipline Appeals Committee according to the following guidelines:

- 1) The membership of the committee is selected from a pool of six students appointed by the Student Government Association and Dean of Students. Twelve faculty/staff and a Chair appointed under the direction of the Provost and Vice President for Student Affairs.
- 2) The Chair will conduct the proceedings in a spirit of fair play and assures that University procedures are followed throughout the hearing. Any of the Chair's decisions may be overruled by a simple majority vote of the committee.
- 3) All faculty members shall serve for staggered terms; student members are to serve from the first day of appointment until the end of their tenure as a student or until they resign from the committee or fail to maintain a minimum of six (6) credit hours per regular semester. Student members shall be enrolled for a minimum of six (6) credit hours of course work.
- 4) The committee will elect a Vice-Chair.

5) Members required to conduct a hearing will consist of a Chair and any three (3) members, one of which must be a student.

6) If a member cannot serve, the member shall notify the Chair of the committee and immediately resign; the committee may remove a member by a simple majority vote of the membership for malfeasance of committee responsibilities. In either of the above cases a replacement will be named by the appropriate person for the remainder of the term.

The Discipline Appeals Committee is the panel responsible for hearing all student disciplinary appeals. Involved parties may challenge a panelist(s) on the basis of potential bias, and any panelist who cannot render an impartial decision must recuse themselves. The Discipline Appeals Committee Chair will make the determination as to the validity of any challenge or need for recusal. In the event of a recusal from the panel, the Discipline Appeals Committee Chair will solicit a replacement from the pool of panelists.

The Director of Student Rights and Responsibilities or designee serves as the non-voting advisor to the committee, with responsibility for training the committee, conducting preliminary investigations, and ensuring a fair process for the complainant and responding student.

## **F. Interpretation and Revision**

The Director of Student Rights and Responsibilities will develop procedural rules for the administration of hearings that are consistent with provisions of the *Code of Student Conduct*. Material deviation from these rules will, generally, only be made as necessary and will include reasonable advance notice to the parties involved, either by posting online and/or in the form of written communication. The Director of Student Rights and Responsibilities may vary procedures with notice upon determining that changes to law or regulation require policy or procedural alterations not reflected in this *Code*. The Director of Student Rights and Responsibilities may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. Any question of interpretation of the *Code of Student Conduct* will be referred to the Dean of Students, whose interpretation is final. The *Code of Student Conduct* will be updated annually under the direction of the Dean of Students with a comprehensive revision process being conducted every 3-5 years.

## **SECTION 6: FORMAL CONDUCT OVERVIEW AND PROCEDURES**

This overview gives a general idea of how the University of Louisiana at Lafayette conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The campus conduct process and all applicable timelines commence with notice to an administrator of a potential violation of *Code of Student Conduct*.

Once notice is received from any source (victim, RA, 3<sup>rd</sup> party, online, etc.), the Office of Student Rights and Responsibilities may conduct an initial review of the allegations and make a notification of charges to the student. In addition, the Office of Student Rights & Responsibilities may schedule an initial Administrative Hearing with the responding student to explain the conduct process to the responding student and gather information.

### **A. University as Convener**

The University is the convener of every action under this *Code*. Within that action, there are several roles. The responding student is the person who is alleged to have violated the Code. The party bringing the complaint, who may be a student, employee, visitor, or guest, may choose to be present and participate in the process as fully as the responding student. There are witnesses, who may offer information regarding the allegation. There is an investigator(s) whose role is to present the allegations and share the evidence that the University has obtained regarding the allegations.

### **B. Amnesty**

Amnesty means that current students can avoid informal and formal University disciplinary action and the creation of a formal disciplinary record under the circumstances described below.

- 1) **For Victims:** The University provides amnesty to victims who may be hesitant to report to University officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct record will result<sup>2</sup>.
- 2) **For Those Who Offer Assistance:** To encourage students to offer help and assistance to others, the University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Director of Student Rights and Responsibilities, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct record will result.
- 3) **For Those Who Report Serious Violations:** Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or record will result.

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<sup>2</sup> Records regarding the provision of amnesty, however, should be maintained.

Abuse of amnesty requests can result in a decision by the Director of Student Rights and Responsibilities not to extend amnesty to the same person repeatedly.

- 4) **Safe Harbor:** The University has a Safe Harbor rule for students. The University believes that students who have a drug and/or addiction problem deserve help. If any University student brings their own use, addiction, or dependency to the attention of University officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Counseling and Testing program by the student. Failure to follow the action plan will nullify the Counseling and Testing protection and campus conduct processes will be initiated.

### **C. Interim Action**

Under the *Code of Student Conduct*, the Dean of Students or designee may impose restrictions and/or separate a student from the community pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct* when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University. Interim actions can include separation from the institution or restrictions on participation in the community for no more than ten (10) business days pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct*. A student who receives an interim suspension may request a meeting with the Dean of Students or designee to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the University may still proceed with the scheduling of disciplinary procedures or a campus hearing.

During an interim suspension, a student may be denied access to University housing and/or the University campus/facilities/events. As determined appropriate by the Director of Student Rights and Responsibilities, this restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Director of Student Rights and Responsibilities and with the approval of, and in collaboration with, the appropriate Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

### **D. Notice of Alleged Violation**

Any member of the University community, visitor or guest may allege a policy violation(s) by any student for misconduct under this *Code* by submitting the complaint, in writing, to the Office of Student Rights and Responsibilities, Dean of Students, and/or University Police.

Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a victim or a third party,



and should be submitted as soon as possible after the offending event occurs. The University has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The Director of Student Rights and Responsibilities (or designee) will assume responsibility for the investigation of the alleged violation as described below.

Once a determination is made that reasonable cause exists for the Director of Student Rights and Responsibilities (or designee) to refer a complaint for an Administrative Hearing, notice will be given to the responding student. Notice will be in writing and may be delivered by one or more of the following methods: in person by the Director of Student Rights and Responsibilities (or designee); mailed to the local or permanent address of the student as indicated in official University records; or emailed to the student's University-issued email account. Once mailed, emailed and/or received in-person, such notice will be presumptively delivered. The letter of notice will:

- 1) Include the alleged violation and notification of where to locate the Code of Student Conduct and University procedures for resolution of the complaint; and
- 2) Direct the responding student to contact the Office of Student Rights and Responsibilities (or designee) within a specified period to set up an administrative hearing. This time period will generally be no less than two days from the date of delivery of the letter of notice.

### **E. Step 1: Administrative Hearing**

An Administrative Hearing with the Director of Student Rights and Responsibilities (or designee) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to the Director of Student Rights and Responsibilities (or designee), whether they admit to or deny the allegations of the complaint.

As part of the Administrative Hearing, the AHO will do the following:

- Interview all relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy;
- Obtain all documentary evidence and information that is available;

- Obtain all physical evidence that is available;
- Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- Present the investigation report and findings to the responding student, who may:
  - a. accept the findings,
  - b. or may reject all findings;

If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the Code, the process will end.

If the University's finding is that the responding student is in violation, and the responding student accepts this finding the University considers this an "uncontested allegation." The administrator conducting the initial Administrative Hearing will then determine the sanction(s) for the misconduct, which the responding student may accept or reject. If accepted, the process ends.

If the administrator conducting the administrative hearing determines that it is more likely than not that the responding student is in violation, and the responding student rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to Step 2.

## **F STEP 2: Discipline Appeals Hearing**

The responding student may request an appeal of the decision of the Administrative Hearing by filing a written request to the Chair of the Discipline Appeals Committee and the Ombudsman, subject to the procedures outlined below. All sanctions imposed by the original hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

**Appeals requests are limited to the following grounds:**

- 1) A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- 2) To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
- 3) The sanctions imposed are substantially disproportionate to the severity of the violation or guidelines set by the University for this type of offense or the cumulative conduct record of the responding student.
- 4) If the sanctions imposed include expulsion from the University.

Appeals must be filed in writing with the Discipline Appeals Committee Chair and the Ombudsman within seven (7) school days of the notice of the outcome to the Administrative Hearing, barring exigent circumstances. Any exceptions are made at the discretion of the Director of Student Rights and Responsibilities.

The presumptive stance of the University is that all decisions made and sanctions imposed by the original decision-maker are to be implemented during the appellate process. At the discretion of the Director of Student Rights and Responsibilities, implementation of sanctions may be stayed pending review only in extremely exigent circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Discipline Appeals Committee Chair and Director of Student Rights and Responsibilities, in consultation, that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions.

The Chair of the Discipline Appeals Committee will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. They may consult with the Director of Student Rights and Responsibilities on any procedural or substantive questions that arise.

Once sufficient cause for an appeal is determined by the Discipline Appeals Committee Chair to refer a complaint for a hearing, notice will be given to the responding student, the Ombudsman, and Director of Student Rights and Responsibilities. Notice will be in writing and emailed to the student's University-issued email account. Once emailed, such notice will be presumptively delivered. The letter of notice will:

- 1) Inform acceptance of the appeal, where to locate the *Code of Student Conduct* and University procedures for appeals process

- 2) Direct the responding student to contact the Office of Student Rights and Responsibilities (or designee) and the Ombudsman within a specified period of time to arrange a hearing date.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final.

### **Discipline Appeals Committee Hearing Procedures**

The Chair of Discipline Appeals Committee will serve as the Chair for the hearing. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student cannot attend the hearing, it is that student's responsibility to notify the Ombudsman and the Director of Student Rights and Responsibilities no less than three (3) days prior to the scheduled hearing to arrange for another date and time. Hearings may be rescheduled no more than three (3) times except in cases of grave or unforeseen circumstances. If the responding student fails to give the requisite minimum three (3) day notice, or if the responding student fails to appear, the hearing will proceed as scheduled.

The Director of Student Rights and Responsibilities (or designee), the Chair and the committee will conduct hearings according to the following guidelines:

- 1) Hearings will be closed to the public.
- 2) Admission to the hearing of persons other than the parties involved will be at the discretion of the Committee Chair and the Director of Student Rights and Responsibilities. Witnesses are allowed access to the hearing solely for the purpose of and duration necessary to provide testimony.
- 3) In hearings involving more than one responding student, the standard procedure will be to hear the complaints jointly; however, the Committee Chair may permit the hearing pertinent to each responding student to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student.
- 4) The parties have the right to an advisor/advocate of their own choosing, including an attorneys. Typically advisors are the Ombudsman or other members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisor may not make a presentation or represent the party bringing the complaint or responding student, during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee.

- 5) The party bringing the complaint, the responding student, the committee, and the Director of Student Rights and Responsibilities (or designee) will have the privilege of questioning all present witnesses and questioning all present parties (directly or through the Chair, at the discretion of the Chair). Unduly repetitive witnesses can be limited at the discretion of the Committee Chair and/or the Director of Student Rights and Responsibilities, or designee.
- 6) Pertinent records, exhibits, and written statements may be accepted as information for consideration by the committee and the Director of Student Rights and Responsibilities. Formal rules of evidence are not observed. The Committee Chair and/or the Director of Student Rights and Responsibilities, or designee may limit the number of character witnesses presented or may accept written affidavits of character instead.
- 7) All procedural questions are subject to the final decision of the Chair of the Discipline Appeals Committee.
- 8) After a committee hearing, the committee will deliberate in private and determine, by majority vote, whether to grant the appeal. The Director of Student Rights and Responsibilities (or designee) will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is to grant the appeal, the committee will determine an appropriate sanction(s). The committee informs the student, faculty when appropriate, the Ombudsman/Advisor and the Director of Student Rights and Responsibilities (or designee) of the decision and penalty, if any. Notification will be by one or more of the following methods: in person; or emailed to the student's University-issued email account. The committee chair will prepare a written report of the decision and any recommended sanctions and deliver it to the University President.

There will be a single verbatim record, such as an audio recording, for all committee hearings. Deliberations will not be recorded. The record will be the property of the University and maintained according to the University's record retention policy.

### **G. STEP 3: Appeal to the University of Louisiana Board of Supervisors**

If the student wishes to appeal the decision of the Discipline Appeals Committee, the student may appeal to the University of Louisiana Board of Supervisors. If the student chooses to appeal to the Board of Supervisors after all administrative procedures have been exhausted at the institutional level the appeal must be written within thirty (30) calendar days of the institution's decision. The Board's review is limited to determination of compliance with established and appropriate procedures at the institutional level. The student shall be notified of the Board's decision.

## **SECTION 7: STUDENT ORGANIZATIONS/GROUP VIOLATIONS**

### **A. Group Violations**

A student group or organization and its officers and membership may be held collectively and individually responsible when violations of this *Code* by the organization or its member(s):

- Take place at organization-sponsored or co-sponsored events, whether sponsorship is formal or tacit;
- Have received the consent or encouragement of the organization or of the organization's representatives or officers; or
- Were known or should have been known to the membership or its officers.

Hearings for student groups or organizations follow the same general student conduct procedures. In any such action, individual determinations as to responsibility will be made and sanctions may be assigned collectively and individually and will be proportionate to the involvement of each individual and the organization.

### **B. Notice of Alleged Violation**

Any member of the University community, visitor or guest may allege a policy violation(s) by any student organization for misconduct under this *Code* by submitting the complaint, in writing, to the Office of Student Rights and Responsibilities, Dean of Students, and/or University Police.

Additionally, administrators may act on notice of a potential violation whether a formal allegation is made or not. All allegations can be submitted by a victim or a third party, and should be submitted as soon as possible after the offending event occurs. The University has the right to pursue an allegation or notice of misconduct on its own behalf and to serve as convener of the subsequent campus conduct process.

The Director of Student Rights and Responsibilities (or designee) will assume responsibility for the investigation of the alleged violation as described below.

Once a determination is made that reasonable cause exists for the Director of Student Rights and Responsibilities (or designee) to refer a complaint for an Administrative Hearing, notice will be given to the responding student organization President's and Advisor. Notice will be in writing and emailed to the organization

President's University-issued email account, and Chapter Advisor. Once emailed such notice will be presumptively delivered. The letter of notice will:

- 1) Include the alleged violation and notification of where to locate the Code of Student Conduct and University procedures for resolution of the complaint; and
- 2) Direct the responding student organization's representative(s) to contact the Office of Student Rights and Responsibilities (or designee) within a specified period to set up an administrative hearing. This time period will generally be no less than two days from the date of delivery of the letter of notice.

### **C. Step 1: Administrative Hearing**

An Administrative Hearing with the Director of Student Rights and Responsibilities (or designee) may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student organization's representative(s) may indicate, either verbally or in writing, to the Director of Student Rights and Responsibilities (or designee), whether they admit to or deny the allegations of the complaint.

As part of the Administrative Hearing, the AHO may do the following:

- Interview all relevant witnesses, summarize the information they are able to share and have each witness sign the summary to verify its accuracy;
- Obtain all documentary evidence and information that is available;
- Obtain all physical evidence that is available;
- Complete the investigation promptly by analyzing all available evidence without unreasonable deviation from the intended timeline;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not);
- Present the investigation report and findings to the responding student organization's representative(s), who may:
  - a. accept the findings,
  - b. or may reject all findings;

If a decision on the allegation is made and the finding is that the responding student organization is not responsible for violating the Code, the process will end.

If the University's finding is that the responding student organization is in violation, and the responding student organization accepts this finding the University considers

this an “uncontested allegation.” The administrator conducting the initial Administrative Hearing will then determine the sanction(s) for the misconduct, which the responding student organization may accept or reject. If accepted, the process ends.

If the administrator conducting the administrative hearing determines that it is more likely than not that the responding student organization is in violation, and the responding student organization rejects that finding in whole or in part, then it is considered a contested allegation and the process moves to Step 2.

#### **D. STEP 2: Discipline Appeals Hearing**

The responding student organization may request an appeal of the decision of the Administrative Hearing by filing a written request to the Chair of the Discipline Appeals Committee and the Ombudsman, subject to the procedures outlined below. All sanctions imposed by the original hearing body remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

##### **Appeals requests are limited to the following grounds:**

- 1) A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- 2) To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
- 3) The sanctions imposed are substantially disproportionate to the severity of the violation or guidelines set by the College/University for this type of offense or the cumulative conduct record of the responding student organization or individual member(s).
- 4) If the sanctions imposed include expulsion from the University.

Appeals must be filed in writing with the Discipline Appeals Committee Chair and the Ombudsman within seven (7) school days of the notice of the outcome to the Administrative Hearing, barring exigent circumstances. Any exceptions are made at the discretion of the Director of Student Rights and Responsibilities.

The presumptive stance of the University is that all decisions made and sanctions imposed by the original decision-maker are to be implemented during the appellate process. At the discretion of the Director of Student Rights and Responsibilities, implementation of sanctions may be stayed pending review only in extremely exigent circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Discipline Appeals Committee Chair and Director of Student Rights and Responsibilities, in consultation, that the appeal would result in a reversal of the finding and/or substantial modification of the sanctions.



The Chair of the Discipline Appeals Committee will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. They may consult with the Director of Student Rights and Responsibilities on any procedural or substantive questions that arise.

Once sufficient cause for an appeal is determined by the Discipline Committee Chair to refer a complaint for a hearing, notice will be given to the responding student organization's President and Chapter Advisor, the Ombudsman, and Director of Student Rights and Responsibilities. Notice will be in writing and emailed to the student's University-issued email account. Once emailed, such notice will be presumptively delivered. The letter of notice will:

- 1) Inform of acceptance of appeal, where to locate the *Code of Student Conduct* and University procedures for appeals process
- 2) Direct the responding student to contact the Office of Student Rights and Responsibilities (or designee) and the Ombudsman within a specified period of time to arrange a hearing date.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final.

### **Discipline Appeals Committee Hearing Procedures**

The Chair of Discipline Appeals Committee will serve as the Chair for the hearing. The parties have the right to be present at the hearing; however, they do not have the right to be present during deliberations. If a student organization cannot attend the hearing, it is that student organization's responsibility to notify the Ombudsman and the Director of Student Rights and Responsibilities no less than three (3) days prior to the scheduled hearing to arrange for another date and time. Hearings may be rescheduled no more than three (3) times except in cases of grave or unforeseen circumstances. If the responding student organization fails to give the requisite minimum three (3) day notice, or if the responding student organization fails to appear, the hearing will proceed as scheduled.

The Director of Student Rights and Responsibilities (or designee), the Chair and the committee will conduct hearings according to the following guidelines:

- 1) Hearings will be closed to the public.
- 2) Admission to the hearing of persons other than the parties involved will be at the discretion of the committee chair and the Director of Student Rights and Responsibilities.
- 3) In hearings involving more than one responding student organization, the standard procedure will be to hear the complaints jointly; however, the Committee Chair may permit the hearing pertinent to each responding student organization to

be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding student organization.

4) The parties have the right to an advisor/advocate of their own choosing, including attorneys. Typically advisors are the Ombudsman or other members of the campus community, but the parties may select whomever they wish to serve as their advisor. The advisor may not make a presentation or represent the party bringing the complaint or responding student or student organization, during the hearing. They may confer quietly with their advisee, exchange notes, clarify procedural questions with the chair and suggest questions to their advisee.

5) The party bringing the complaint, the responding student organization, the committee, and the Director of Student Rights and Responsibilities (or designee) will have the privilege of questioning all present witnesses and questioning all present parties (directly or through the Chair, at the discretion of the Chair). Unduly repetitive witnesses can be limited at the discretion of the Committee Chair and/or the Director of Student Rights and Responsibilities, or designee.

6) Pertinent records, exhibits, and written statements may be accepted as information for consideration by the committee and the Director of Student Rights and Responsibilities or designee. Formal rules of evidence are not observed. The Committee Chair and/or the Director of Student Rights and Responsibilities, or designee may limit the number of character witnesses presented or may accept written affidavits of character instead.

7) All procedural questions are subject to the final decision of the Chair of the Discipline Appeals Committee.

8) After a committee hearing, the committee will deliberate in private and determine, by majority vote, whether to grant the appeal. The Director of Student Rights and Responsibilities (or designee) will be present and available as a resource during all deliberations. Once a finding is determined, if the finding is to grant the appeal, the committee will determine recommended sanction(s). The committee informs the student organization's President, the Ombudsman/Advisor, the Director of Student Rights and Responsibilities (or designee), and staff when appropriate of the decision and penalty, if any. Notification will be by one or more of the following methods: in person; or emailed to the student organization's President's and student's when appropriate University-issued email account. The committee chair will prepare a written report of the decision and any recommended sanctions and deliver it to the University President.

There will be a single verbatim record, such as an audio recording, for all committee hearings. Deliberations will not be recorded. The record will be the property of the University and maintained according to the University's record retention policy.

### **E. STEP 3: Appeal to the University of Louisiana Board of Supervisors**

If the student organization wishes to appeal the decision of the Discipline Appeals Committee, the student may appeal to the University of Louisiana Board of Supervisors. If the student chooses to appeal to the Board of Supervisors after all administrative procedures have been exhausted at the institutional level the appeal must be written within thirty (30) calendar days of the institution's decision. The Board's review is limited to determination of compliance with established and appropriate procedures at the institutional level. The student organization shall be notified of the Board's decision.

## **F. Conduct Sanctions**

One or more of following sanctions may be imposed upon any student and/or student organization for any single violation of the *Code of Student Conduct*:

- 1) *Hazing*: In any form as defined in Section 4 subsection D-4 of this Code of Student Conduct and based on the preponderance of evidence, by any group, organization, or individual may result in suspension or expulsion from the University.
- 2) *Admonition*: An official written notice that the student has violated University policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the University.
- 3) *Restitution*: Compensation for damage caused to the University or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- 4) *Fines*: Reasonable fines may be imposed. Fines are specified to include:
  - a. Admonition - \$25.00
  - b. Disciplinary Probation - no less than \$100 and no more than \$250
  - c. Emergency Exit Violation - \$50.00
  - d. Repeat Offenses – previous fine doubled
- 5) *Community/University Service Requirements*: For a student or organization to complete a specific supervised University service.
- 6) *Loss of Privileges*: The student will be denied specified privileges for a designated period of time.
- 7) *Confiscation of Prohibited Property*: Items whose presence is in violation of University policy will be confiscated and will become the property of the University. Prohibited items may be returned to the owner at the discretion of the Director of Student Rights and Responsibilities and/or University Police.

- 8) *Behavioral Requirement*: This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
- 9) *Educational Program*: Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.
- 10) *Restriction of Visitation Privileges*: May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.
- 11) *University Housing Probation*: Official notice that, should further violations of Residence Life or University policies occur during a specified probationary period, the student may immediately be removed from University housing. Regular probationary meetings may also be imposed.
- 12) *University Housing Reassignment*: Reassignment to another University housing facility. Residential Life personnel will decide on the reassignment details.
- 13) *University Housing Suspension*: Removal from University housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to University housing may be specified. Under this sanction, a student is required to vacate University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director or Student Rights and Responsibilities Prior to reapplication for University housing, the student must gain permission from the Director of Student Rights and Responsibilities (or designee). This sanction may include restrictions on visitation to specified buildings or all University housing during the suspension.
- 14) *University Housing Expulsion*: The student's privilege to live in, or visit, any University housing structure is revoked indefinitely. This sanction may be enforced with a trespass (ban) action if deemed necessary.
- 15) *Disciplinary Probation*: The student is put on official notice that, should further violations of University policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed. Disciplinary probation may not be imposed for more than two (2) calendar years.
- 16) *Withholding of Diploma*: Withholding of a diploma may be imposed as a disciplinary sanction when appropriate upon a student that has disciplinary action pending. The sanction terminates on clearance of the disciplinary matter.

- 17) Hold:** A hold may be placed on a student's University account and/or transcript when a sanction of voluntary withdrawal, temporary suspension, suspension, or expulsion from the University is imposed by the Student Discipline Committee or through a Letter of Agreement, or if the student has a disciplinary action pending.
- 18) Ban:** The student may be officially restricted from certain University premises or University related activities.
- 19) Eligibility Restriction:** The student is deemed "not in good standing" with the University of Louisiana at Lafayette for a specified period of time. Specific limitations or exceptions may be granted by the Director of Student Rights and Responsibilities and terms of this conduct sanction may include, but are not limited to, the following:
- a) Ineligibility to hold any office in any student organization recognized by the University or hold an elected or appointed office at the University; or
  - b) Ineligibility to represent the University of Louisiana at Lafayette to anyone outside the University community in any way including: participating in the study abroad program, attending conferences, or representing the University of Louisiana at Lafayette at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- 20) Voluntary Resignation:** Resignation from the University resulting in the assignment of W's. The agreement and conditions set forth shall be honored in full by the Student Discipline Committee or the Director of Student Rights & Responsibilities.
- 21) Interim Suspension:** Temporary suspension from the University until an administrative hearing can be held in cases where there is a perceived threat of safety to the University community, or if a student refuses to answer a summons. Immediate notice shall be given for a hearing. The student will be notified within two (2) school days. The hearing will be held within three (3) school days of the notification. During the period of suspension the student is prohibited from visiting the University campus without prior approval of the Director of Student Rights and Responsibilities, from residing in on-campus housing, from being initiated into an honorary, social or service organization, and from receiving credit at a component of the University system for scholastic work done in residence or by correspondence or extension.
- 22) Disciplinary Suspension:** Separation from the University for a specified minimum period of time, after which the student is eligible to apply for re-entry. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the

campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Student Rights and Responsibilities.

During the suspension period, the student is banned from university property, functions, events and activities, is prohibited from being initiated into an honorary, social, or service organizations, and is prohibited from receiving credit at a component of the University system for scholastic work done in residence or by correspondence or extension without prior written approval from the Director of Student Rights and Responsibilities. This sanction may be enforced with a trespass action as necessary. Upon suspension the student's academic record will reflect W's in the semester in which they were suspended or grades as recorded by the Registrar. Upon suspension a hold will be placed on the student's academic record for the duration of the suspension. **This sanction will be noted as a Conduct Suspension on the student's official academic transcript**

**23) Disciplinary Dismissal:** A student is suspended for an indefinite period of time with a minimum of one (1) year. The student must fulfill specified requirements as set for by the Student Discipline Committee or Director of Student Rights and Responsibilities, and may only be re-admitted by the action of the Student Discipline Committee. The student must present convincing evidence of reform and ability to abide by and respect rules and regulations of the University.

During the period of dismissal the student is banned from university property, functions, events and activities, is prohibited from being initiated into an honorary, social, or service organizations, and is prohibited from receiving credit at a component of the University system for scholastic work done in residence or by correspondence or extension without prior written approval from the Director of Student Rights and Responsibilities.

This sanction may be enforced with a ban action as necessary. Upon dismissal the student's academic record will reflect W's in the semester in which they were suspended or grades as recorded by the Registrar. Upon dismissal a hold will be placed on the student's academic record for the duration of the suspension. **This sanction will be noted as a Conduct Dismissal on the student's official academic transcript**

**24) Disciplinary Expulsion:** Permanent separation from the University of Louisiana at Lafayette. The student is banned from university property and the student's presence at any University-sponsored activity or event is prohibited without prior approval from the Director of Student Rights and Responsibilities. The student is prohibited from being initiated into an honorary, social, or service organizations, and is prohibited from receiving credit at a component of the University system for scholastic work done in residence or by correspondence or extension. This action may be enforced with a trespass ban action as necessary. Upon expulsion the

student's academic record will reflect W's in the semester in which they were suspended or grades as recorded by the Registrar. Upon dismissal a hold will be placed on the student's academic record for the duration of the suspension. **This sanction will be noted as a Conduct Expulsion on the student's official academic transcript.**

**25) Failing Grade:** may be assigned to a student for a course in which the student was found guilty of scholastic dishonesty. Lesser penalties may be imposed by the instructor.

**26) Denial of Degree:** a student found guilty of scholastic dishonesty may be denied a degree.

**27) Other Sanctions:** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Director of Student Rights and Responsibilities or designee.

The following sanctions may be imposed upon groups or organizations found to have violated the *Code of Student Conduct*.

- 1) One or more of the sanctions listed above, specifically a) through i) and o) through q); and/or
- 2) Deactivation, de-recognition, loss of all privileges (including status as a University registered group/organization), for a specified period of time.

## **G. Parental Notification**

Parental notification may be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

## **H. Notification of Outcomes**

The outcome of a campus hearing is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence", the University will inform the alleged victim/party bringing the complaint in writing of the final results of a hearing regardless of whether the University concludes that a violation was committed. Such release of information may only include the alleged student's/responding student's name, the violation committed, and the sanctions assigned (if applicable).

In cases where the University determines through the student conduct process that a student violated a policy that would constitute a "crime of violence" or non-forcible sex offense, the University may also release the above information publicly and/or to any third party. FERPA defines "crimes of violence" to include:

- 1) Arson

- 2) Assault offenses (includes stalking)
- 3) Burglary
- 4) Criminal Homicide—manslaughter by negligence
- 5) Criminal Homicide—murder and non-negligent manslaughter
- 6) Destruction/damage/vandalism of property
- 7) Kidnapping/abduction
- 8) Robbery
- 9) Forcible sex offences
- 10) Non-forcible sex offences

## **I. Failure to Complete Conduct Sanctions**

All students, as members of the University community, are expected to comply with conduct sanctions within the timeframe specified by the Director of Student Rights and Responsibilities or Administrative Hearing Officer. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the University.

In such situations, resident students will be required to vacate University housing within 24 hours of notification by the Director of Student Rights and Responsibilities or, though this deadline may be extended upon application to, and at the discretion of, the Director of Residential Life and/or the Director of Student Rights and Responsibilities. A suspension will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Director of Student Rights and Responsibilities.

## **J. Disciplinary Records**

All Student Rights and Responsibilities records are maintained by the University for seven (7) years from the time of their creation except those that result in separation (suspension or expulsion, including from housing) which are maintained indefinitely.

## **K. Approval and Implementation**

This *Code of Student Conduct* was approved on 8/19/2016, and implemented on 8/19/2016.