

## **University of New Orleans Student Code of Conduct**

The basic philosophy of the policies and procedures in this section is one of education. The focus is on growth and development of the individual student by encouraging self-discipline by publishing clear behavioral guidelines (rules and regulations) and by fostering the rights and privileges of others.

There exists a fundamental difference between the nature of the Student Code of Conduct and that of criminal law. The Student Code of Conduct is not intended to resemble the policies or procedures of the criminal justice system. The rules of criminal law are neither required nor necessary to achieve the educational goals of the university Student Code of Conduct.

The University of New Orleans (UNO) is a multicultural community composed of diverse students, faculty and staff. UNO will not tolerate discrimination or harassment of any person or group of persons based on race, color, religion, gender, disability, national origin, age, sexual orientation, marital, or veteran status or any other status protected by law. Each member of the university is held accountable to this standard, which is strongly reflected in this code.

### **Code Authority**

The authority to administer the day-to-day affairs of the university has been given to the President by the Board of Supervisors of the University of Louisiana System. The President, in turn, has delegated the authority to administer the Student Code of Conduct to the Office of Student Affairs.

### **Statement of Purpose**

The university has the legal right and moral obligation to establish reasonable rules for academic and personal conduct and to deny admission to applicants or continued enrollment to students who do not meet or maintain these standards. The university does reserve the right to review any action taken by civil or student accountability authorities regarding UNO students or student organizations.

### **Definitions**

The definitions of the following terms used throughout this code are provided for clarity and better understanding.

Academic dishonesty: includes, but is not limited to, the following:

- 1) Cheating: The act of deception by which a student misrepresents mastery of information on an academic exercise. These acts can be either intentional or unintentional. Examples include, but are not limited to, copying or allowing someone else to copy from another student, unauthorized use of a textbook or other material during an examination; inappropriate and unauthorized collaboration during an academic exercise; unauthorized use or possession of specialty prepared materials, such as notes or formula lists, during an academic exercise.
- 2) Plagiarism: The unacknowledged inclusion of someone else's actual words, ideas or data or the paraphrasing of someone else's words, ideas or data as if they were the student's own. All source material must be appropriately identified and cited according to the conventions for acknowledging source material. (Students are responsible for learning these scholarly conventions; disregard of proper citation conventions can be considered plagiarism.)
- 3) Academic Misconduct: The actual or attempted tampering or misuse of academic records or materials such as transcripts and examinations. Examples include stealing, buying, or otherwise obtaining all or part of a non-administered test or academic exercise; selling or giving away or engaging in bribery to get all or part of a non-administered academic exercise or any information about it; changing or altering a grade book, test, or other official academic records of the University; entering a building or office without authorization for the purpose of changing a grade or tampering in any way with grades or examinations.
- 4) Falsification/Fabrication: The intentional use of false information or the falsification of research, findings, personal or university documents with the intent to deceive. Examples include citing information not taken

from the source indicated; listing sources in a bibliography not used in the academic exercise; inventing data or source information; submitting as one's own any academic exercise prepared totally or in part for/by another; taking a test for another student or permitting another student to take a test for oneself; submitting work previously used for credit in another course without express permission of the instructor; falsifying or misrepresenting oneself on resumes or other such documents or university related forms.

- 5) **Accessory To Acts of Academic Dishonesty:** The act of facilitating, supporting, or conspiring with another student to commit or attempt to commit any form of academic dishonesty.

**Academic Exercise:** Any assignment given by a faculty member. This includes, but is not limited to, tests, examinations, papers, projects, art works, sculptures or computer programs.

**Administrative Hearing:** The meeting during which the responding party and the reporting party, when appropriate, discuss the alleged violation with the Director and agree on a resolution. If no resolution is reached, a Board of Review will be convened.

**Advisor:** Any one person who the responding party/reporting party chooses at his/her expense to bring to a University Board of Review Board of Review, such as a parent, legal guardian, friend or teacher. The advisor only advises or consults with the responding party/reporting party and is not permitted to participate or to speak on behalf of the responding party/reporting party during any Board of Review.

In cases involving Sexual Misconduct, both the responding party and the reporting party are allowed to have advisors present.

**Appeal:** A procedure by which a finding is reexamined or reviewed. An appeal is considered by the Dean of Students. In cases involving Sexual Misconduct, the reporting party is also allowed to appeal the outcome.

**Chair:** The member who is in charge of the University Board of Review.

**Code:** The Student Code of Conduct that governs the behavior of students and student organizations.

**Complaint:** The official document accusing the student or student organization with alleged violation(s) of university policies, rules or regulations. The responding party is allowed to review a copy of this document by appointment.

**Dean of Students:** The university official who has been delegated the authority by the President to oversee the accountability process.

**Director of Student Accountability and Disability Services:** The Director of Student Accountability and Disability Services (referred to throughout this document as Director) is the university official who ensures that all procedures are properly followed, maintains appropriate records, and ensures sanctions are properly and consistently enforced. In addition, the Director, or his/her designee, explains the process to everyone involved, coordinates the University Board of Review. The Director receives the recommendation of the University Board of Review and may either accept, reject or adjust in whole or in part their recommendation.

**Evidence:** The facts and information that support or refute the alleged violation(s). Evidence should be submitted with the written complaint that provides a detailed account of the violation. Evidence may also include secondary or indirect knowledge relating to the alleged violation.

**Flag:** A notation on a student's record that bars a student from enrolling, receiving grades or other types of actions with the University.

**Hazing:** Hazing any intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:

- (i) 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.
- (ii) The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

More detail can be found under violations of the Code. (See [Anti-Hazing Policy](#))

**Notification:** Written notice of a pending or resultant student accountability process that will be emailed to the student by the Student Accountability and Disability Services Office, although notification can be delivered personally.

**Organization:** Organization is a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose members are primarily students at, or former students of, a postsecondary education institution, including the national or parent organization.

**Organization President:** The official head of a student organization. For the purpose of this code, the student organization president may appoint a student designee.

**Policy:** Any written rule or regulation of the university as found in, but not limited to, the Student Handbook, Undergraduate and Graduate Catalogs, Student Organizations Handbook, UL System Bylaws and Rules, UL System Policies and Procedures and University Administrative Procedures (APs).

**Regulation:** A rule, policy or law by which conduct is ordered or regulated.

**Reporting party:** The person who alleges a violation of the Student Code of Conduct by a student or student organization.

**Responding party:** Any student or student organization who allegedly violated a university rule, regulation or policy.

**Retaliation:** Acts or attempted acts for the purpose of interfering with any report, investigation, or proceeding, or as retribution or revenge against anyone who has reported a violation of the Student Code of Conduct who has participated (or is expected to participate) in any manner in an investigation, or proceeding. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. An attempt requires a substantial step towards committing a violation.

**Sanction:** A penalty imposed upon a student or student organization for violation(s) of university policies, rules or regulations. The primary purpose of a sanction is to assist the student or student organization in reshaping or redirecting behavior. In cases involving Sexual Misconduct, the reporting party is notified of the sanctions as well.

**Student:** Any person who is registered for study at the university. In addition, this term includes persons who are not officially enrolled for a particular semester but who have a continuing relationship with the university, e.g., any person accepted for admission or readmission.

**Student Handbook:** The official source of university policies, rules and regulations for students and student organizations. The student handbook is compiled by the Office of Student Affairs and published by the University of New Orleans.

**University:** The University of New Orleans (UNO), including all departments, colleges, programs, activities and affiliations.

**University Board of Review:** A group of faculty, staff and students who review alleged violations of the Student Code of Conduct by means of a formal meeting and recommends to the Director whether a violation has occurred and the appropriate sanction(s), if any.

**University Document:** Any written communication or record maintained by the university.

**University Official:** A member of the university community who is given the authority to implement and supervise university activities.

University Property: All land, buildings, facilities, equipment or other property owned, leased, loaned or controlled by the university and the University of Louisiana System.

Violation: A breach, infringement, disobedience or disrespect of a university policy, rule or regulation.

Withdrawal: When a student, either voluntarily or involuntarily, is no longer enrolled in the university and therefore is no longer a student.

Witness: A person who can give a first-hand account of an incident.

Working Day: Each day that the university is open for official business (also referred to as a business day.)

## **Due Process- Substantive and Procedural**

The purpose of this code is to provide for the orderly administration of the student and student organization accountability process in view of the principles of due process. It is assumed that all persons involved in the accountability process will provide accurate and truthful information. There are two types of due process, substantive and procedural.

Substantive due process requires that all university regulations, rules and policies governing student conduct and student accountability matters are fair and reasonable. The treatment of students accused of a violation shall be based on the general principle of fair and equal treatment, regardless of race, color, religion, gender, disability, national origin, age, sexual orientation, marital or veteran status or any other status protected by law.

Procedural due process requires that adequate notice and an opportunity to be heard be provided when required by law.

## **Faculty and Departmental Action**

Faculty and staff complaints regarding students and/or student organizations should be handled at the lowest possible level. In general, that means that the faculty member, department personnel, or staff member should first attempt to resolve the conflict with the student directly.

In the case of a student's inappropriate behavior in or out of the classroom, a faculty or staff member may assign a Warning and ask the student to leave the classroom or location for that period but may not permanently ban him/her from the class or location.

If a student does not agree that a violation occurred or does not agree with the sanction imposed, he/she may request to have the case heard through the student accountability process outlined in the code.

Alleged violation(s) or sanction(s) that are considered to be more severe must be directly addressed through the Student Code of Conduct. All departmental sanctions should be sent to the Director in writing within seven (7) working days. The attending record will be maintained with all other procedural files in the Student Accountability and Disability Services' Office. Other operating units of the university, including, but not limited to, academic colleges, academic departments, University Housing, University Center, the Library, dining services, intramural and intercollegiate athletics and Greek governing structures, also may have rules and policies that students and student organizations must follow, as long as they are consistent with the provisions of this code. If questions arise over a violation, a sanction or a policy, this Student Code of Conduct shall supersede.

## **Academic Dishonesty**

Academic honesty and intellectual integrity are fundamental to the process of learning and to evaluating academic performance. Maintaining such integrity is the responsibility of all members of the University. All

faculty members and teaching assistants should encourage and maintain an atmosphere of academic honesty. They should explain to the students the regulations defining academic honesty and the sanctions for violating these regulations.

However, students must share the responsibility for creating and maintaining an atmosphere of honesty and integrity. Students should be aware that personally completing assigned work is essential to learning. Students who are aware that others in a course are cheating or otherwise committing academic dishonesty have a responsibility to bring the matter to the attention of the course instructor and/or academic unit head, or the Director. To promote academic integrity, students will use the following pledge when required by the instructor.

*I pledge that I have completed the work I am submitting according to the principles of academic integrity as defined in the statement on Academic Dishonesty in the UNO Student Code of Conduct.*

The policy is not designed to protect or shield those students who repeatedly violate the Student Code of Conduct. Each situation will be assessed on a case-by-case basis, denying the safeguards of the Amnesty Policy if serious or repeated incidents prompt a higher degree of concern or response, which may include disciplinary action under the Student Code of Conduct.

### **Procedure for Reporting Academic Dishonesty**

Faculty complaints regarding a student's violation of academic integrity should be handled starting at the lowest possible level. If an instructor feels that academic dishonesty has occurred, the instructor should, if feasible, first meet with the student (or students) involved to discuss this matter. Whether or not a meeting with the student(s) takes place, the following procedures govern the reporting of academic dishonesty and any actions taken as a result of an incidence of academic dishonesty.

1. The instructor, after meeting with the student, must (a) complete and file an Academic Dishonesty Report Form with the Director and include the supporting documentation, (b) provide a copy of the Form to the student, and (c) submit copies of the Form to the Chair of the instructor's department and to the Dean of the instructor's college.
2. The instructor may assign other penalty as appropriate (reduction in grade, reworking a paper, etc.) which will be noted on the reporting form.
3. The instructor may assign a grade of Zero or "F" on the academic exercise (such as test, paper, project, assignment, computer program, etc.) in question. This action is subject to the following provisions:
  - a. This grade may not be dropped in the calculation of the final grade;
4. Resolving the appropriate response to the alleged instance of academic dishonesty shall continue to an Administrative Hearing with the Director and the instructor, and/or continue to a Board of Review, if
  - a. The student, in filling in his/her part of the Academic Dishonesty Report Form, requests that the case be heard through the student accountability process,
  - b. The instructor requests that the act of academic dishonesty in question deserves further review or greater sanction than an F on the academic exercise,
  - c. Upon a second report/incident of academic dishonesty for a student, the case will automatically be brought before the Board of Review.

If an alleged academic dishonesty case cannot be resolved prior to the issuance of the final grades, the instructor will assign an "I" (incomplete) grade. This notion will remain until the alleged violation has been completely resolved; at that time the faculty member can assign an appropriate final grade.

All forms should be sent to the Director in writing within seven (7) working days. The attending record will be maintained with all other procedural rites in the Student Accountability and Disability Services' office. Faculty and Departments should be aware that all instances of academic dishonesty must be reported to the Director of Student Accountability and Disability Services.

### **Procedure for Reporting All Other Offenses**

Any member of the university community can lodge a complaint against any student or student organization believed to be in violation of this code. All complaints must be made to the Director in writing. Any complaint should be submitted as soon as possible after the alleged violation occurs, but preferably no more than seven (7) working days after the alleged violation(s) or knowledge of the alleged violations.

The complaint should include: the name of the person making the complaint; the full name, address and telephone number (if available) of the student being accused (or the student organization's name) of a violation, the alleged violation(s); all information supporting the alleged violation or violations (i.e., exam papers, pictures, statement of reasons which support the complaint); date and time of the alleged violation; names of any witnesses (include information on how to contact witnesses) and a description of the alleged violation in a logical and clear manner.

When the director receives information that a student has allegedly violated any rule or regulation of the Board of Supervisors, the University, or its various divisions, the director shall investigate the alleged violation. After completing the preliminary investigation, the director may:

Dismiss the allegation as unfounded.

Summon the student for a conference, and after conferring with the student, dismiss the allegation.

Proceed administratively if it is determined that the alleged violation may be resolved without requiring committee action.

Prepare a charge and proceed to a University Board of Review.

If the alleged violation is not a disciplinary matter, but needs attention, the director (or designee) will then refer it to the proper university committee or person.

Any person filing a complaint may be required to appear at the Board of Review if one is conducted. Should the student against whom the accusations of code violations not be excused and fail to appear at the Administrative Hearing or at a Board of Review, the case may still be considered. Should the reporting party not appear before the Board of Review, the case may be dismissed.

### **Amnesty for Victims and Witnesses**

The university community encourages the reporting of misconduct and crimes by victims and witnesses. At times, victims or witnesses are hesitant to report to university officials or participate in resolution processes because they fear that they themselves may be a responding party to policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to university officials, and that witnesses come forward to share what they know. To encourage reporting, the university pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the Campus Police). The university pursues a policy of amnesty for students who offer help to others

in need. While policy violations cannot be overlooked, the university will provide educational options, rather than punishment, to those who offer their assistance to others in need.

The amnesty provision aims to remove the barriers that may prevent any student from seeking emergency medical attention by providing an opportunity for the University to intervene in a caring and non-punitive manner. The goal is to reduce the potential risk of alcohol and/or drug-related injuries or deaths, and increase the likelihood that students will seek medical attention in crisis situations.

A student who seeks emergency medical attention (or who has emergency medical attention sought on his/her behalf) for drug or alcohol related consumption, will not be sanctioned for violating drug and alcohol consumption prohibitions found in the Student Code of Conduct related to that incident, as long as the student completes the following requirements:

- a) Participates in an initial meeting with the Dean of Students, or designee, and
- b) Completes all recommendations from the Dean of Students, or designee, and
- c) Submits proof of completion of all recommendations, within the time frame designated by the Dean of Students, or designee, at the initial meeting.

A bystander student who has engaged in drug or alcohol consumption and who seeks emergency medical attention for someone else or tries to actively engage in assistance for someone else for that person's drug or alcohol related consumption, will not be sanctioned for violating drug and alcohol consumption prohibitions found in the Student Code of Conduct related to his/her own consumption, but will be invited to meet with the Dean of Students.

The University will not pursue any disciplinary action related to any drug or alcohol consumption against any student who has been sexually assaulted or sexually harassed for their use of drugs or alcohol at the time of the sexual assault or sexual harassment.

This policy will only apply to a student who seeks emergency medical attention before police or University employees or agents take any official action or intervention related to the drug or alcohol consumption. The policy does not preclude disciplinary action regarding other violations of the Student Code of Conduct. The policy only applies to the university's student disciplinary system for violations of the Student Code of Conduct. This policy does not apply to any criminal, civil or other legal consequence for violations under Federal, State or local law.

## **Violations of the Student Code of Conduct**

Action may be initiated by the university or by any member of the university community. Sanctions may be imposed upon any student or student organization found in violation of the code. Even the most severe sanction, including suspension, denial of a degree or expulsion, can be imposed upon the first violation of any of the following rules and regulations:

### Abusive Conduct

Physical, mental or verbal abuse, including assault and/or battery, by any person who poses a clear and present threat to the health, safety or wellbeing of any person in the UNO community. This may be a single incident or a series of incidents.

Behavior by any person that poses a clear and present threat to the health, safety or well-being of any person in the UNO community.

### Abuse of Computers and Other Technology

Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his or her prior knowledge, or without his or her effective consent when such a recording is likely to cause injury or distress, including, but not limited to: video cameras, digital recorders, hand-held cameras, and internet exposure.

Unauthorized use or misuse of university property, including but not limited to, the university computer facilities: e.g., access to facilities and/or rooms; access to computers, software, systems, data bases; making false entries; unauthorized transfer of a file; unauthorized use of another's password or ID number; defacing or destroying computer information or stored records.

#### Abuse of Property

Vandalism, malicious destruction, damage, or misuse of university or private property, including but not limited to university housing facilities.

Misuse or unauthorized use of library materials, including but not limited to, theft, vandalism or malicious destruction.

#### Acts of Dishonesty

Academic dishonesty, including but not limited to, cheating and plagiarism. (See section on Academic Dishonesty)

Forgery, alteration or misuse of university documents, records or Identification Card.

Intentionally failing to meet financial obligations to any authorized university office, including issuing bad checks or falsely reporting vending machine losses.

Dishonesty by providing inaccurate, incomplete or information that is deceiving, including admission application and/or financial aid information.

Tampering with an election of any officially recognized campus activity or organization.

#### Alcohol

Violation of University alcohol regulations, including underage possession or consumption of alcohol, as well as solicitation of donations or use of alcohol as an enticement to events. (See Alcohol and Drug Policy)

#### Drugs

Manufacture, distribution, sale, possession or use of illegal drugs and/ or paraphernalia. (See Alcohol and Drug Policy)

#### Disorderly Conduct

Lewd, indecent, obscene, disorderly conduct (including, but not limited to, conduct resulting from drug or alcohol use)

Undue noise or behavior that results in unreasonable annoyance to members of the UNO community

Any obstruction or disruption of teaching, research, or administrative functions, student accountability procedures, living and learning environment or other University activities, including public service functions or other authorized activities on University property or at University sponsored events.

#### Endangerment/Safety

Possession, use, or threatened use of dangerous items including but not limited to firearms, weapons, fireworks or any gas liquid or other substance or object, which in the manner used, is calculated or likely to produce death or great bodily harm. (See [Weapons on Campus Policy](#) )

Storing anything flammable/combustible inside a university building, including but not limited to, gas powered vehicles.

Disrupting/jeopardizing the safety of the UNO community: e.g., tampering with elevators, tampering with fire safety equipment, falsely reporting a bomb or fire or engaging in behavior that creates a fire or safety hazard.



Participating in campus demonstrations that disrupt the university operations or infringe on the rights of others, including, but not limited to, rioting or inciting a riot.

#### Failure to Comply

Failure to comply with university policies, rules or regulations as pronounced by university officials acting in the performance of their official duties.

Abuse or blatant disregard of the Student Accountability system, including failure to comply with the terms of any university sanction, disrupting a University Board of Review or Administrative hearing, harassment of any witness or providing false or inaccurate information at any Administrative Hearing or Board of Review.

#### 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.

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.

#### Hazing

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:

- (i) Physical brutality, such as whipping, beating, paddling, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity.
- (ii) 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.
- (iii) 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 or that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- (iv) 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.

For purposes of this Policy, hazing shall not include a 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 (See [Anti-Hazing Policy](#) )

#### Sexual Misconduct

Sexual Misconduct is a sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the consent of the other person(s), or that occurs when the person(s) is unable to give consent or whose consent is coerced or obtained in a fraudulent manner. For the purpose of this Policy, sexual misconduct includes, but is not limited to, sexual assault, sexual abuse, violence of a sexual nature, sexual harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent of the persons depicted therein, as well as dating violence, domestic violence and stalking. (See [Sexual Misconduct Reporting and Resolution Procedures](#))

#### Trespassing

Breaking and entering, trespassing or unauthorized entry.

Violation of other published University policies, rules, or regulations

Failure to follow any University Housing or Privateer Place policy and/ or regulation.

Violation(s) of student organization rules, as stated in the group's constitution, Student Organization Handbook, and/or Student Handbook by any student organization or member of a student organization.

Attempt to commit any violation of the Student Code of Conduct or other university policy or regulation.

Accessory to any violation of the Student Code of Conduct or other university policy or regulation.

Violation of federal, state, and/or local laws

Use of Tobacco Products or E-cigarettes on Campus (see [Tobacco Free Campus](#))

Theft, fraud, shoplifting, embezzlement or possession of stolen property (including buying and receiving stolen property).

Littering or endangering the environment.

Gambling in violation of law.

Unauthorized release of private and confidential information from student, faculty or staff records, such as health, educational or financial information, unless permitted by law.

Attempt to commit or the commission of any local, state or federal crime, or the violation of any ordinance or law. It is not necessary that the student be charged or convicted of a crime or violation in order to file a complaint through the university student accountability process.

**Student Organization Offenses**

A student organization may have a complaint brought against it for a violation of the Student Code of Conduct. A student organization and its officers may be held collectively and/or individually responsible for violation(s) of the code. The alleged violation may take place either during an event sponsored by the organization or by an individual representing that organization.

Student organizations are responsible for compliance with the code and with university policies. Upon proof that a member who has violated the code had the knowledge and/or consent of his student organization officers or that the member acted in concert with at least four other members of the student organization, both the student organization and the individual members involved may be subject to university sanctions.

The following rights will be afforded to student organizations:

1. The student organization president or his/her designee must be given reasonable notice of the complaint in accordance with the code. The president or designee is then required to represent the student organization in any proceedings. Failure of the president or designee to appear on behalf of the student organization will not prevent the disposition of the case.
2. The student organization's president or designee shall be afforded all procedural rights of the code.
3. Any individual who accepts an invitation to join any fraternity or sorority may be subject to individual fraternity or sorority and/or Greek governing structure sanctions in addition to university sanctions for group or individual offenses.

**University Sanctions**

Conduct Admonition: The student or student organization is given written notice that their conduct is in violation of university policies, rules or regulations. Future violations of the code may result in the imposition of additional sanctions.

#### Fines and Other Fees

Use of Tobacco Products or E-cigarettes on Campus (after being issued a warning): \$50.00 or 10 hours of monitored community service at the University.

Reflection Project: This may include a research paper, participation in an on-line educational program relevant to the issue, or other assignment relevant to the violation(s) of the Student Code of Conduct.

Loss of Privileges: The student or student organization is placed on probation for a specified period of time, along with the loss of one or more privileges, such as, but not limited to, on-campus employment, representing the University in any official function or leadership position (e.g., athletics, student leadership position, cheerleader, standing Board of Review chairpersonship, membership in any registered student organization or holding of an elected office in any registered student organization); entering or being in specific locations (e.g. a residence hall or other facility); and/or engaging in certain activities (e.g. driving and/or parking on campus; contacting a specified member of the campus community, etc.).

Administrative Separation Directive: Prohibits named students from contacting, emailing, telephoning or otherwise disturbing each other in situations where there is reason to believe that an alleged violation of harassment, a physical altercation and/or sexual misconduct may have occurred. An Administrative Separation Directive can be given to one/all parties involved. The Administrative Separation Directive will not prohibit students named from attending classes or any other campus activity (even though students named may be enrolled in the same class(es)). The Administrative Separation Directive will not be construed as a finding of responsibility on the part of any student. It may require moving the student(s) named to another residence hall or removing the student(s) from the residence hall environment. Violation of the term or conditions of the on-campus Administrative Separation Directive may subject the student to the disciplinary action without regard to the outcome of the case that led to the issuance of the administrative action.

#### Parental Notification:

If a registered student under the age of 21 is involved in a university policy violation and/or violation of Louisiana state law for public intoxication, the possession, consumption or distribution of alcohol or illicit drugs, the student's parents or guardian may be notified in writing. If a registered student is transported to an emergency medical treatment facility for drug use or alcohol intoxication, the student's parents, guardians, or other appropriate parties may be notified by Student Affairs or other university administrators, if necessary to protect the safety of the student or other individuals. (In accordance with FERPA's health or safety emergency provision --See 34 CFR §§ 99.31(a)(10) and 99.36.)

Disciplinary Probation in University Housing: The student or non-student resident is placed on supervisory status for a specified period of time. If the student is found to be in violation of any institutional regulation(s), particularly during the probationary period, suspension from all housing on campus may occur.

Disciplinary Probation: Disciplinary Probation removes a student from good disciplinary standing for the designated period of time and places the student on final warning status. If the student is found to be in violation of any institutional regulation(s), particularly during the probationary period, separation from the institution will most likely occur.

Disciplinary Suspension with Review from University Housing: The student is temporarily removed from University Housing and is not afforded University Housing visitation rights. If a student wishes to regain such privileges, he or she must contact the Director and meet with the Board of Review for approval prior to housing privileges.

Disciplinary Suspension from University Housing: The student is removed from University Housing and University Housing visitation rights for a specified period of time. If a student wishes to regain such privileges,

he or she must contact the Director and receive approval. If approval is given the student must apply for housing and/or visitation rights in accordance with University Housing procedures.

Disciplinary Suspension: An involuntary separation of the student from the University for a specified period of time after which the student is eligible to return assuming no intervening serious misconduct has occurred and any prerequisite conditions for readmission have been met. During the period of suspension, the student is prohibited from receiving credit at a component of the university system for scholastic work done in residence or by correspondence or extension. Conditions for readmission may be specified. In accord with University of Louisiana System Policy Number: S-II.I.B.-1, the notation "*Student is eligible to return (semester) (year)*" will be placed on the student's transcript. This notation will be removed from the transcript when the student is eligible to return. The student is placed on Disciplinary Probation for the first semester following the return to the University.

Immediate Interim Disciplinary Suspension:

A student may be temporarily and immediately suspended prior to a Board of Review when it is reasonable to determine that the student's behavior is disruptive to the normal educational process at the university and/or cause has been found that danger or harm may result to others if the student is allowed to remain on campus pending a decision.

- Voluntary withdrawal: In the course of a Board of Review, the University officer/Board of Review Board in conjunction with the student, determine this to be the best course of action. (This action shall result in assignment of W's for the student's courses.)

Organization Disciplinary Suspension: The student organization loses all campus privileges, is no longer recognized by the University, and must completely cease all organizational activities for a specific period of time and/or until specific conditions are met. If it is determined that the organization is operating in an underground/unofficial fashion, the organization will be subject to an extension of the suspension term.

Denial of a Degree: The University may not award the student an academic degree if the student is found guilty of academic dishonesty. This is noted permanently on the student's transcript.

Disciplinary Expulsion: The student is involuntarily and permanently separated from the university, including access to the university and its resources. The notation "*Student is ineligible to enroll*" will be made on the student's transcript when a student is permanently dismissed from the University for Disciplinary Reasons. Should the student be allowed to return, the student will be placed on Disciplinary Probation for the first semester following the return to the University and the transcript notation will be removed; otherwise the transcript notation is permanent.

Revocation of Degree: An academic degree previously awarded by the university may be revoked on proof that it was obtained by fraud or dishonesty or that a significant part of the work submitted in support of the degree was plagiarized. This is noted permanently on the student's transcript

## **Types of Conduct Meetings: Administrative Hearing or University Board of Review**

### **Administrative Hearing**

The purpose of an Administrative Hearing is to resolve alleged violations in an informal setting. Administrative Hearings can be held to resolve violations of the student code of conduct that would not result in a suspension or expulsion (those cases will be heard by the University Board of Review). After a written complaint has been submitted to the Director, the responding party will be notified in writing (via UNO email) of the complaint within a reasonable time. In addition, the responding party will be emailed or otherwise provided with a copy of the Student Code of Conduct. A pre-hearing meeting may be held with the responding party and a Student Affairs staff member to explain the procedures and to discuss the documentation supporting the complaint. This meeting will take place prior to the Administrative Hearing so that the responding party has adequate time in which to prepare. An Administrative Hearing may consist only of the responding party and the Director. If an

agreement has been reached on the violation(s), appropriate sanction(s) will be determined. A written agreement including sanction(s), if any, will be prepared and the responding party and the Director must sign the agreement. If an agreement is not made, the case will be referred to a Board of Review. Should the responding party not appear at the Administrative Hearing and has not been excused by the Director, a determination will be made in the student's absence. The student can appeal to the University Board of Review.

### **University Board of Review Composition and Authority**

The University Board of Review will be convened in cases that cannot be resolved in an Administrative Hearing or for those cases which may likely result in suspension or expulsion. The maximum number of board members required to hear a case shall be no more than four faculty/staff members and three students but no less than a total of four board members, with at least one member being a student. However, it is required that four board members be present to reach a finding. A member (but not a student) appointed by the Director shall serve as chair of the board. At the discretion of the chair, non-voting board members may be present. Staff and student members are chosen from a pool of names submitted by Academic Deans, university departments, and by the Student Government. Faculty members may be drawn from the University Senate Board of Reviews Pool on Student Misconduct/Academic Dishonesty. To be eligible, students may not be on academic probation or under any university sanction.

If the responding party is found to be in violation of the Student Code of Conduct, the board will recommend sanction(s) to the Director. If the recommended sanction is expulsion, the board's recommendation must be unanimous; if other sanctions are recommended, a majority vote is necessary. If the responding party does not attend the Board of Review and does not provide a satisfactory explanation of his/her absence at least 24 hours in advance, or if the responding party leaves the Board of Review prior to being excused, the review will proceed and the board shall make a recommendation based on the available information. Should the reporting party not appear as requested, the case may be dismissed.

The chair is responsible for conducting an orderly meeting and deciding on the admissibility of information, procedural questions, etc. The chair may expel or exclude anyone from the proceeding who is disorderly or for any other appropriate reason. It is expected that all persons involved in the Board of Review will be treated with respect and it is the chair's role to ensure that the environment is conducive to the process.

### **University Board of Review Procedures**

The responding party will be given notice in writing of the time and place of the meeting. The notice will include the alleged violation(s). All written evidence discussed at the Administrative Hearing, if one is held, will be presented to the University Board of Review. In addition, the Director will prepare and submit to the Board a written summary statement indicating why the case was not resolved at the resolution Board of Review. The Board of Review will take place as soon as possible following the Administrative Hearing.

Two (2) working days prior to the meeting, both the responding party and the reporting party can submit the name of their adviser, witness (es) and additional written information (review the definition section). All information will be shared with the responding party and reporting party(s). To have any information released by the Director to the student's advisor, written approval from the responding party must be obtained. It is both the responding party and the reporting party's responsibility to have their witnesses present.

When two or more students or student organizations are responding party in the same complaint, each will have a separate Board of Review before the University Board of Review unless a joint University Board of Review is requested in writing. The request must include the reasons of support and must be submitted to the Director at least two (2) working days prior to the Board of Review. After review, the chair may decide to grant a joint Board of Review only if it is shown that it would be fair and reasonable to all involved.

If the responding party or the reporting party feels that a member of the University Board of Review is biased, the responding party and the reporting party have the right to voice an objection. The Board of Review will review and determine the validity of the request prior to the start of the Board of Review. The order of the

Board of Review is as follows:

1. The University Board of Review will convene and review all written evidence. If the responding party or reporting party has written information to share with the Board of Review, it must be submitted two (2) working days prior to the scheduled Board of Review. It is the responsibility of each party, at their expense, to supply each Board of Review member with a copy (copies for the Board of Review and a copy or copies for the responding party/reporting party(s)).
2. The Board of Review will conclude its executive session and admit both the responding party and the reporting party to the room. Both the responding party and the reporting party(s) will be present during the questioning.
3. The reporting party may make a short statement and present information to the Board of Review concerning the alleged violation(s).
4. The responding party may make a short statement concerning the allegations.
5. The University Board of Review may ask questions to any persons present, except the advisors, throughout the process. Both the responding party(s) and the reporting party(s) may question each other and witness(es) by directing questions through the chair if the chair deems the questions are germane to the case. Also, questions about any written information submitted to support the allegation may be raised even if the author is not present.
6. Witness(es) for both the responding party and the reporting party will be called into the room to provide information supporting or refuting the alleged violations. The responding party, the reporting party and the witnesses may refuse to answer any question if the answer could lead to violations of this code or to violations of local, state or federal laws. The chair may call the Board of Review into executive session at any time to discuss a procedural matter.
7. After all statements, questions and supporting or refuting information have been submitted to the Board of Review, all non-Board of Review members will leave, and the Board of Review will go into executive session. At that time, the Board of Review will decide if the responding party was in violation of the code. The decision will be based on the information submitted at the Board of Review. If the Board of Review determines that a violation was committed, the Board of Review will recommend sanction(s) to the Director. If the responding party has been found in violation and has had accountability action taken and/ or sanctions imposed in the past, the chair will inform the Board of Review of such in order that this history can be considered when recommending a sanction.
8. The chair shall prepare a brief written summary of the Board of Review, on a prepared form, including the Board of Review's recommendation and rationale. This is to be submitted to the Director. Should the responding party request a copy of the written summary, it will be provided free of charge. All proceedings of the Board of Review are officially recorded except for executive sessions. No other recording devices may be used during the Board of Review. The responding party may request a copy of the official recording of the Board of Review at his/her expense. The recording will be kept in the Office of Student Affairs for one year if the student is found in violation of the Student Code of Conduct, two years if the sanction imposed is suspension, and indefinitely if the sanction is expulsion. The recording is destroyed if the student is not found in violation of the Student Code of Conduct.
9. Within five (5) working days following the Board of Review, the Director will render a decision, affirming, rejecting or modifying in any way the Board of Review's recommendation. The responding party and the reporting party may pick up a copy of the University Board of Review decision from the Office of Student Accountability and Disability Services. A copy of the decision will be emailed to the responding party. In cases of suspension or expulsion, a copy will also be mailed to the address listed with the Registrar's Office. The appeal date is established by the date that the decision is emailed.

10. Appropriate university offices will be notified of the imposed sanction after the appeal deadline has passed.

## **Appeals Process**

The responding party may file a written appeal of the decision to the Dean of Students within five (5) working days from the date of the emailed decision. The appeal is processed through the Office of Student Accountability and Disability Services.

The filing of a letter of appeal is a formal written request and must contain the student's name, the date of the decision, and the university's action taken, the name of the student's advisor, and a clear statement as to the basis of the appeal.

An appeal may be considered only if one or more of the following applies:

1. Additional information is submitted which was unknown or unavailable at the time of the University Board of Review and would alter the facts of the case.
2. A substantial procedural error was committed.
3. A reasonable claim is made and supported that the sanction imposed was unjust.

If the appeal is granted by the Dean of Students, the following actions are available:

1. Uphold the decision, including the sanctions imposed.
2. Uphold the decision, but impose different sanctions.
3. Resubmit the case to the University Board of Review for a new Board of Review or with specific instructions. This option may be used in cases involving a procedural error or when additional information has become available.
4. Reverse the decision.

The Dean of Students will, in writing, inform the parties involved of his/her decision within ten (10) working days of receiving the appeal.

The sanctions will not take effect until after the appeal is finalized, unless it is determined by university officials that the student's presence on campus poses a threat of danger to persons or property or is an ongoing threat to the academic process or the safety of the UNO community.

A student may appeal to the Board of Supervisors if the sanction is one of suspension from the university for a period of one academic year, or if the sanction is of greater severity. For appeals regarding less severe sanctions, the final appeal shall be at the university level. 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 submitted within 30 calendar days of the institution's decision. The Board's review is limited to a determination of compliance with established and appropriate procedures at the institutional level. The student shall be notified of the Board's decision.

## **Proceedings during Vacation or Emergency Situations**

The Director may conduct a University Board of Review during vacation periods or in emergency situations that may arise during the school year, when it is believed that the student's behavior or activity is endangering the safety of others. Resolution of the alleged violation and sanctions, if appropriate, may be imposed after review and approval by the Dean of Students. If the student chooses to appeal, the case will be heard by the

University Board of Review when classes resume. However, the sanction(s) may be imposed pending resolution of the appeal. (This differs from other types of appeals.)

### **Violation of Law and the University of New Orleans Student Accountability Process**

If a complaint is brought against a student or student organization for an act that took place off campus that is a violation of federal, state, or local law, whether or not the conduct is a violation of the Student Code of Conduct, action may be taken and sanctions imposed. Sanctions may also be imposed for grave misconduct demonstrating flagrant disregard for the UNO community.

Campus accountability proceedings may take place if the violation(s) of a law is also a violation of the code, without having to wait for civil or criminal adjudication. Proceedings under the code may be carried out prior to, simultaneously with or following civil/criminal proceedings off campus. The university will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by the criminal courts for student violators.

### **Procedure for Immediate Withdrawal or Temporary Suspension**

When a student is unable to effectively pursue academic work because his/ her behavior is disruptive to the normal educational process of the university, he or she may voluntarily withdraw immediately or be temporarily suspended as set forth below. Circumstances leading to such action may include the following: drug/alcohol abuse, illegal activities, behavior or circumstances indicating severe mental, emotional or medical conditions when such condition poses a significant threat of danger to other members of the university community; undue interference with the rights of other students, staff, faculty or with any university exercise, activity or function. A student may be temporarily and immediately suspended prior to a Board of Review when the Director has reasonable cause to believe that danger or harm will result to others if the student is allowed to remain on campus pending a decision by a Board of Review.

If the student does not withdraw voluntarily, a Board of Review may be convened at the request of the Director and shall consist of the Director and at least two other representatives from offices such as but not limited to: Student Health Services, Counseling Services, Office of Disability Services, and members of the University Board of Review. The student may present any information to the board that he or she deems relevant. The board, after reviewing all pertinent information, will render a decision about the student's ability to continue at the university and will notify the student in writing of its decision. The student may appeal the decision to the Dean of Students within ten (10) working days of receipt. The decision of the Board of Review becomes final and effective if a timely appeal is not filed.

At the time the student is ready to resume his/her education, he or she must request, in writing, that his or her case be examined by the review board. Supporting documentation and an interview may be required before the student can be readmitted.

### **Student Code of Conduct Changes and Amendment**

This code will be reviewed every two years. Recommended revisions are welcome from the UNO community. Amendments are to be supported by Student Affairs and approved by the President. Changes to this code supersede all previous university policies, rules and regulations.

(Revised Summer 2018)