

## **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, gender, age, religion, national origin, citizenship, disability, sexual orientation, genetic information, retirement, veteran status, or gender identity. 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, to sanction accordingly, and to deny admission to applicants or continued enrollment to students who do not meet or maintain these standards. The university reserves 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 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 Conference: The meeting during which the complainant and the respondent, when appropriate, discuss the alleged violation with the Director (or their designee) and agree on a resolution. If no resolution is reached, a Board of Review will be convened.

Advocate: A representative (an attorney or non-attorney) for a student or student organization accused of violation of the UNO Student Code of Conduct or for the student complainant (alleged victim), who, at the student's expense, may fully participate during any proceeding under the UNO Student Code of Conduct or during any other procedure adopted and used to address an alleged violation of the policies. "Fully participate" includes the opportunity to make opening and closing statements, to examine and cross-examine witnesses, and to provide the student complainant or student respondent with support, guidance, and advice. The Advocate is allowed only when the student or student organization is accused of a violation of the UNO Student Code of Conduct such that if the student/student organization is found responsible, will result in the sanction of suspension of ten or more days or expulsion. The

advocate must be accompanied by the respondent student.

The student will be required to have the Advocate complete a FERPA release of information form prior to any scheduled meeting.

Appeal: A procedure by which the respondent requests that a finding be reexamined or reviewed based on specific, outlined criteria; an appeal submitted to and reviewed by the Dean of Students.

Business Day: Each day that the university is open for official business and in normal operation.

Chair: The non-voting member who facilitates the University Board of Review meetings. The Chair is responsible for conducting the Board of Review in an orderly manner, controlling the conduct of all participants and attendees, and rendering the written determination regarding responsibility in an impartial, neutral, and objective manner based on the findings of the University Board of Review.

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

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

Complaint: The official report describing alleged violation(s) of University policies, rules or regulations. The respondent 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 designee explains the process to everyone involved and coordinates the University Board of Review.

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

Finding: A conclusion by the standard of proof (preponderance of evidence) that the conduct did or did not occur as alleged and whether the conduct did or did not violate policy.

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

Disciplinary Good Standing: A student is in good standing with the University when they are not under a current sanction or on disciplinary probation. Other offices or agencies may require a student to be in good standing for student employment on campus, holding office in a student organization or when transferring to another academic institution.

Notice: A student or student organization who is accused of violating the UNO Student Code of Conduct is entitled to written notice of any and all alleged violations and the disciplinary proceedings or charges that will occur as a result. This notice shall include, but need not be limited to, each and every section of the University's rules or policies that the student or student organization is alleged to have violated and any evidence the University used and collected in making the charge.

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, Housing Policy, 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.

Respondent: Any student or student organization who allegedly violated a university rule, regulation, or policy.

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.

Student: For the purposes of policy enforcement, unless otherwise defined differently in specific policies, 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. The following individuals are also considered students for the purpose of this policy:

- (i) Individuals who are dually or concurrently enrolled, visiting/guest, online, and/or non-degree seeking.
- (ii) Individuals enrolled in the Link to Success Program partnership with Nunez Community College.
- (iii) Individuals who are participating in UNO study abroad programs.
- (iv) Individuals who choose to take a leave of absence, withdraw, or graduate are considered students for the purposes of University policy enforcement for any misconduct that occurred prior to the leave, withdrawal, or graduation.
- (v) Individuals who attend post-secondary educational institutions other than the University of New Orleans and who reside on campus at UNO are also accountable for abiding by University policies and the Student Code of Conduct.

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 electronically by the University of New Orleans.

Support Person: Any one person who a student chooses at their expense to bring to an Administrative Conference or University Board of Review, such as a parent, legal guardian, or friend. The support person may only advise or consult with the Responding student and is not permitted to participate or to speak on behalf of the student during any Board of Review.

The student will be required to have the support person complete a FERPA release of information form prior to any scheduled meeting. Choosing a Support Person who is also a witness in the process creates potential for bias and conflict of interest. A person who chooses a Support Person who is also a witness can anticipate that issues of potential bias will be explored by chair of the Board of Review. This is different from an Advocate, defined above.

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 (except for cases of Sexual Harassment) who review alleged violations of the Student Code of Conduct by means of a formal meeting. The University Board of Review will hear cases in which the student, should they be found responsible for Code violations, may be sanctioned to suspension or expulsion from the University. The Board will submit findings to the Director, noting whether a student was found responsible or not for charged violation(s), in addition to the determined 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 an individual, either voluntarily or involuntarily, is no longer currently enrolled at the University.

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

### **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 principle 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, gender, age, religion, national origin, citizenship, disability, sexual orientation, genetic information, retirement, veteran status, or gender identity.

Procedural due process requires that adequate notice and an opportunity to be heard be provided when required by law. Students and student organizations have the right to be presumed “not responsible” and will not be found “responsible” for violating the code of conduct until or unless they admit responsibility or at the conclusion of an Administrative Conference or University Board of Review in which they are found responsible based upon the university’s standard of evidence of a preponderance of the evidence. For cases involving the possibility of suspension of 10 days or longer, the university must establish every element of the alleged violation according to the preponderance standard.

Students have the right to request reasonable accommodation due to a disability to allow participation in the process. The Director or designee must be notified of the request in advance and documentation may be required.

Records generated by the Office of Student Accountability and Disability services become part of a student’s educational record. The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. Please refer [here](#) for additional information.

### **Reporting Alleged Violations of University Policy**

Complaints alleging violation of the Code or other policies by student(s) and/or student organization(s) should be handled at the lowest possible level. The reporting party should first attempt to resolve the conflict with the student directly.

In the case of a student's disruptive behavior in or out of the classroom, a faculty or staff member may issue a verbal or written admonition, and/or ask the student to leave the classroom or location for that period. The faculty or staff member may not permanently ban the student from the class or location without due process.

If a student does not agree that a violation occurred or does not agree with the faculty or departmental action, the student may request to have the case heard through the student accountability process outlined in the code.

Alleged violation(s) that are considered more severe should be directly addressed through the Student Code of Conduct. Documentation of the alleged violations should be submitted to the Office of Student Accountability and Disability Services via the online incident reporting system as soon as possible after the alleged violation occurs, but preferably no more than thirty (30) business days after the alleged violation(s) or knowledge of the alleged violations/incident. Reports filed later than 30 days after the alleged incident may be dismissed at the discretion of the Director, depending on the circumstances. 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 fraternity or sorority 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.

### **Reporting Academic Misconduct**

Course instructors should be aware that all instances of academic misconduct must be reported to the Office of Student Accountability and Disability Services as soon as possible after the alleged violation occurs. Reports alleging a student's act of academic misconduct should be handled starting at the lowest possible level. If an instructor feels that academic misconduct 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 misconduct and any actions taken as a result of an incidence of academic misconduct:

1. The instructor should meet with the student to discuss the allegation of academic misconduct and complete the Academic Misconduct Report Form with the student.
2. File the Academic Misconduct Report Form with the Office of Student Accountability including supporting documentation.
3. Provide copies of the Academic Misconduct Report Form to the student, the Chair of the instructor's department, and to the Dean of the instructor's college.

The instructor may assign a penalty as appropriate (reduction in grade, reworking a paper, etc.) which will be noted on the Academic Misconduct Report Form.

The instructor may assign a grade of Zero or 'F' on the academic exercise (such as a test, paper, project, assignment, computer program, etc.) in question. This action is subject to the following provision: This grade cannot be dropped in the calculation of the final grade.

The alleged instance of academic misconduct shall continue to an Administrative Conference with the Director (or designee) and the instructor, and/or continue to a University Board of Review, if

- a. The student, in completing their part of the Academic Misconduct Report Form, requests that the case be heard through the student accountability process;
- b. The instructor requests that the act of academic misconduct in question receive further review/additional sanction or greater sanction than an 'F' on the academic exercise;
- c. Upon a second report or incident of academic misconduct for a student (if the student was found responsible for academic misconduct in the first case), the case will automatically be brought before a University Board of Review.

If an alleged academic misconduct case cannot be resolved prior to the issuance of the final grades, the instructor will assign/submit a final course grade. Should that grade need to be changed as part of the finding from a Board of Review, the instructor will submit a grade change in accord with policy.

Academic Misconduct reporting should be made at this link and all documents can be uploaded via this site, including the signed Academic Misconduct Reporting Form:

<https://uno.guardianconduct.com/incident-reporting/new>

The record will be maintained with all other procedural files in the Student Accountability and Disability Services office.

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

Any member of the University community can file a report about any student or student organization believed to be in violation of this code. All reports should be made to the Office of Student Accountability and Disability Services as soon as possible after the alleged violation occurs. There is no time limit on reporting violations of the Student Code of 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.

Reports can be submitted using this link: <https://uno.guardianconduct.com/incident-reporting>

The report should include: the name of the person making the complaint; the full name 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.

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

When the Office of Student Accountability and Disability Services 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 or designee shall investigate the alleged violation. After completing the preliminary investigation, the investigator may:

- a. Dismiss the allegation as unfounded.
- b. Summon the student for a conference, and after conferring with the student, dismiss the allegation.
- c. Proceed with an Administrative Conference for cases in which the outcome would be less than suspension or expulsion, if the student is found responsible,
- d. Prepare a notice of charges and proceed to a University Board of Review.

If the report does not involve a policy or code violation, but needs attention, the Director or designee will then refer it to the proper University process.

Any person filing a complaint may be required to appear at a University Board of Review. A case may still be considered should the Respondent fail to appear at the Administrative Conference or at a Board of Review.

See [Title IX](#) for the procedures related to complaints of sex discrimination, sexual misconduct, sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking (on the basis of sex).

### **Supportive or Other Measures/Actions**

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University's education program or activity, including measures designed to protect the safety of all parties or the University's educational environment, and/or deter sexual harassment, sex discrimination, and/or retaliation.

This following action may allow parties involved to each feel safe from sources of conflict, potential or perceived conflict:

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 policies, a physical altercation, and/or Sexual Harassment may have occurred. An Administrative Separation Directive can be issued to one/all parties involved. The Administrative Separation Directive will not prohibit students from attending classes or any other campus activity (even though students may be enrolled in the same class(es)). The Administrative Separation Directive may not be construed as a finding of responsibility on the part of any student when issued during an investigation or as an interim action. (This Directive can also be implemented as a sanction when there is a finding of responsibility for Code violations.)

### **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 become a Respondent to policy violations such as underage drinking at the time of the incident. It is in the best interest 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 most 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 be hesitant to call for help for someone in medical crisis due to their own illegal or overconsumption of alcohol to the UNO Office of Public Safety and Security, to another campus reporting office or 911. The University pursues a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the University may provide educational options 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 their behalf) for drug or alcohol related consumption, will not be sanctioned for violating drug and alcohol policy violations found in the Student Code of Conduct related to that incident, as long as the student completes the following requirements:

1. Participates in an initial meeting with staff from the Office of Student Accountability, and
2. Completes all recommendations from the Office of Student Accountability staff, or designee, and
3. Submits proof of completion of all recommendations, within the period designated by the Office of Student Accountability 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 their own consumption but may be required to meet with staff from the Office of Student Accountability.

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.

The amnesty 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 amnesty policy does not preclude action regarding other violations of the Student Code of Conduct.

The amnesty 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.

If a student is involved in **repeat** alcohol and/or drug abuse incidents, the following will occur:

1. The situation will be evaluated to determine if the student qualifies for amnesty.
2. The availability of amnesty for students with repetitive violations will be determined on a case-by-case basis.
3. Situations will be handled through the regular conduct process and will be considered for sanctioning purposes if a student does not demonstrate a commitment to the recommended steps and is involved in repetitive alcohol and/or drug abuse incidents.
4. For students who reside in on-campus housing, Residential Life will determine the impact the incident(s) has on their housing contract, if any.

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

### Abusive Conduct

Physical violence, by any person who poses a clear and present threat to the health, safety or wellbeing of any person.

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, Technology, and Property

Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University



premises in places in which a person might reasonably expect privacy (for instance bathrooms, bedrooms, etc.) when such a recording is likely to cause injury or distress.

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, and/or databases; making false entries; unauthorized transfer of a file; defacing or destroying computer information or stored records.

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 misconduct, includes but is not limited to the following acts which may be either intentional or unintentional:

- 1) Cheating: The act of deception by which a student misrepresents mastery of information on an academic exercise. Examples include but are not limited to copying or allowing someone else to copy from another student; unauthorized use or possession of a textbook or solution guide, electronic device, cellular phone, or other materials or unauthorized devices during an academic exercise; 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 words, ideas, or data or the paraphrasing of someone else's words, ideas, or data as if they were one's own. Examples include but are not limited to copying someone else's phrase or sentence(s) without placing quotation marks around the copied phrases or sentence(s), even when the copied wording is made part of one's own sentence; not supplying proper documentation or bibliographical information for the ideas, arguments, findings, or interpretations of data made by others paraphrased or quoted in an assignment; submitting another person's work as one's own (including but not limited to submitting a paper or report purchased or retrieved from a service or one composed by a tutor, hired writer, student, friend, or relative); and allowing another student to copy one's own work; or writing a paper, report, or any part of an assignment for another student. 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 but are not limited to 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 but are not limited to submitting false/inaccurate information as an excuse for an absence or late work submission; substituting for another person or permitting another person to substitute for one's self during a class or exam; forging proctor information; 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; submitting work previously used for credit in another course without express permission of the instructor; falsifying or misrepresenting oneself on University related forms and documents.
- 5) Accessory to Acts of Academic Misconduct: The act of facilitating, supporting, or conspiring with another student to commit or attempt to commit any form of academic misconduct.

Forgery, alteration or misuse of official documents, records or identification card.

Use of another's password, email, or other University sponsored accounts (including, but not limited to, access to

WebStar.) Conversely, user account information shall not be shared with others. See [Information Technology General Use Directive | The University of New Orleans \(uno.edu\)](#)

Intentionally failing to meet financial obligations to any authorized University office, including, but not limited to, falsely reporting vending machine losses.

Dishonesty by providing inaccurate, incomplete, or otherwise deceiving information; knowingly making false statements and/or knowingly submitting false information including, but not limited to, on an admission application, financial aid information, during an Administrative Conference, University Board of Review, or in any document submitted to the University.

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)

#### Disruptive Conduct

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

Disorderly conduct, including, but not limited to, conduct resulting from drug or alcohol use.

Intentionally or recklessly interfering with normal University business or University sponsored activities including, but not limited to, the classroom environment, invited speakers, and research.

Any obstruction or disruption of the on-campus living environment.

#### Endangerment/Safety

Conduct that intentionally or recklessly threatens or endangers the health or safety of any person.

Failure to prioritize the health and safety of the campus community. As a result of a declared communicable disease outbreak or pandemic, on campus when in shared, public spaces or where a minimum distance of six (6) feet (or a distance as recommended by latest safety guidelines) cannot be safely maintained, students may be required to wear personal protective equipment in the form of a mask or face covering that covers their nose and mouth and maintain the currently recommended/communicated social distancing guidelines.

Possession, use, or threatened use of dangerous items including but not limited to knives; fireworks; any gas, liquid, or other substance or object which in the manner used is calculated or likely to produce bodily harm; damage to property or death.

Possession, use, or threatened use of dangerous items including but not limited to firearms or other weapons. (See [Weapons on Campus Policy](#) )

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

Intentionally or recklessly interfering with fire, police, and/or emergency services.

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.

Unlawful actions or language which depicts, glorifies, encourages, or supports terrorism, or violent actors or acts. This includes true threats as legally defined.

Participating in a campus demonstration or assembly that disrupts the University operations or infringes on the rights of others (see [Freedom of Expression Policy](#)).

#### Failure to Comply

Failure to comply with University officials acting in the performance of their official duties.

Abuse or blatant disregard of the Student Accountability system, including but not limited to failure to comply with the terms of any University sanction, disrupting a University Board of Review or Administrative Conference, or interference with any witness.

#### Harassment

Any unwelcome and objectively offensive (both from the victim's perspective as well as from the perspective of a "reasonable person") verbal, physical, or nonverbal conduct that is so severe, pervasive and objectively offensive that it unreasonably interferes with an individual's work or education activities, and which creates a hostile environment that it effectively denies an individual equal access to an institution's resources and opportunities because of the person's 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. (see [The Policy Prohibiting Sex Discrimination, Sexual Misconduct and Interpersonal Violence](#), the [Resolution Process Procedures for Sex Discrimination, Sexual Misconduct and Interpersonal Violence](#) and the policy on [Discrimination, Harassment and Retaliation](#)).

#### Hazing

Hazing includes any act associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization that is intended to hurt or to humiliate physically or mentally, or otherwise negatively impact a students' daily life or academic success, regardless of willingness to participate. Hazing can also be associated with any act that is a requirement for new or potential members to do things that established members are not required to do.

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.

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. For complete information, please refer to the [Hazing Prevention and Education](#) 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.

#### Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Louisiana regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful

discriminatory practice.

The University prohibits discrimination on the basis of sex, sexual orientation, and/or gender in any University program or activity. Sexual misconduct, including sexual harassment, sexual assault, sexual violence, and sexual exploitation, is a form of sex discrimination and is prohibited by this Policy. Interpersonal violence, including dating violence, domestic violence, and stalking, is also prohibited by this Policy.

Sexual Misconduct, also called Power-Based Violence, 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 dating violence, domestic abuse, family violence, nonconsensual observation of another person's sexuality without the other person's consent, sexual assault, sexual exploitation, sexual harassment, stalking, and cyberstalking as well as conduct prohibited by Title IX.

Incidents that fall under Title IX jurisdiction must be addressed using "Process A", as outlined in the Policy Prohibiting Power-Based Violence and Sexual Misconduct and the Resolution Process for Sex Discrimination, Sexual Misconduct, and Interpersonal Violence. "Process B", or the alternative grievance process, is a method of formal resolution designated by the University to address Power-Based Violence and Sexual Misconduct that fall outside the scope of Title IX jurisdiction. See the [Policy Prohibiting Power Based Violence and Sexual Misconduct \(AP-OP-28.3\)](#) as well as the Resolution Process for Sex Discrimination, Sexual Misconduct, and Interpersonal Violence.

#### 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.

Violation of any 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, such as but not limited to:

Use of tobacco products or e-cigarettes on campus (see [Tobacco Free Campus](#) policy)

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

Littering or other actions which endanger 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 a violation of any local, state, and/or federal ordinance or regulation.

Attempt to commit or the commission of any local, state, or federal crime. Actions encouraging, offering, soliciting, or that constitute illegal activity are prohibited. It is not necessary that the student be charged or convicted of a crime or violation in order for the reported conduct to be addressed through the Code of Conduct.

## 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 (using a preponderance of the evidence standard) 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 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.

### Types of Conduct Meetings: Administrative Conference or University Board of Review

The university invites students/groups to participate fully in all aspects of the accountability process. If a student/student organization elects not to participate in any part of the process (e.g., submitting a written statement or participating in any meeting), the scheduled conduct meeting may proceed without benefit of that student's/group's input. The student/student organization will be held accountable for any outcome decision and corresponding sanctions issued, if any, as a result of a meeting in which they elected not to participate.

Students have the right to request reasonable accommodations on the basis of a disability in order to allow for participation in the process. These requests must be made in advance of any scheduled meeting and appropriate documentation supporting the request must be submitted.

A pre-conference meeting may be held with the Respondent and a Student Affairs staff member at the request of the Respondent. This meeting is held to allow for an explanation of the procedures and to allow the Respondent to view the documentation supporting the complaint. This meeting will take place prior to the Administrative Conference or a Board of Review so that the Respondent has adequate time in which to prepare.

Administrative Conferences and Board of Review Meetings (as described below) may be held in person or virtually using video conference software. Guidelines for virtual meeting attendance will be sent to participating parties, and may include the following:

When logging into the online video conference, faculty, staff and students must use their UNO account. Be sure that the username presented is your name (for example, "Frederick Jones" instead of "therealfj00").

- For meetings, you will be required to use a webcam—during meetings you will need to be visible. During the meeting, please do not wear sunglasses or other garments (unless for religious or medical purposes) that otherwise conceal you.
- Please set up in a private room and remain seated during the meeting. Moving or walking around while the meeting

is taking place is disruptive and distracting. No meetings will proceed if the participant is in a moving vehicle.

If there is a concern about having the webcam on for the duration of the meeting, please contact the Director or designee to discuss in advance of any scheduled virtual meeting.

### **Administrative Conference**

The purpose of an Administrative Conference is to resolve alleged violations in an informal setting. Administrative Conferences can be held to resolve violations of the Student Code of Conduct that would not result in suspension or expulsion (those cases will be heard by the University Board of Review). After a written complaint has been submitted, the Respondent will be notified in writing (via UNO email) of the complaint within a reasonable time. In addition, the Respondent will be emailed or otherwise provided with the Student Code of Conduct.

A pre-conference meeting may be held with the Respondent and a Student Affairs staff member at the request of the Respondent. This meeting is held to allow for an explanation of the procedures and to allow the Respondent to view the documentation supporting the complaint. This meeting will take place prior to the Administrative Conference or a Board of Review so that the Respondent has adequate time in which to prepare.

An Administrative Conference may consist only of the Respondent (and support person, if applicable) and the Director or designee, but in some cases, the Complainant may be called to participate. Based on a preponderance of the evidence, the Director or designee will determine whether the student violated policy. After determining responsibility, the Director or designee will decide the appropriate sanction(s) if there is a finding of responsibility. A written outcome letter, including the findings and sanction(s), if any, will be prepared and sent to the Respondent via email.

If the Respondent does not attend the scheduled Administrative Conference and does not provide a satisfactory explanation of their absence due to circumstances beyond their control at least 24 hours in advance, or if the respondent leaves the Conference prior to the end of the meeting, the Conference will proceed and a finding will be made based on the information available at that time.

### **University Board of Review**

The University Board of Review will be convened in cases in which, if the student is found responsible, may likely result in suspension or expulsion.

#### Composition

The minimum number of Board members required to hear a case shall be no less than four Board members, with at least one member being a student, unless the case involves allegations of Sexual Misconduct. The Director or designee shall serve as a non-voting member and Chair of the Board.

Faculty, 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 also be drawn from the University Senate Subcommittee on Academics. To be eligible, students may not be on academic probation or under any University disciplinary sanction.

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

Any student enrolled at or student organization officially recognized by the institution that is accused of a violation of the disciplinary or conduct rules that carries a potential penalty of suspension of ten or more days, deferred suspension, or expulsion has the right to be represented, at the student's expense, by an attorney or non-attorney

advocate who may fully participate during any disciplinary proceeding or other procedure adopted and used by the affected institution, including the appeals process, to address an alleged violation of the institution's non-academic rules or policies. This right applies to both the student who has been accused of the violation and to the student who is the alleged victim, if applicable. Prior to scheduling a disciplinary proceeding, the institution is required to inform the students in writing of their rights provided by this section.

A student or student organization subject to a charge or disciplinary proceeding by the institution is entitled, upon receiving notice of the charge, to notice of any and all violations of the institution's non-academic rules or policies and the disciplinary proceedings or charges that will occur as a result.

When a violation is subject to the sanction of suspension of ten or more days or expulsion, or when a violation by a student organization is subject to the sanction of suspension or removal of the organization from the institution, the disciplinary procedures include the following:

1. The accused student or organization is afforded the express presumption of innocence and set forth that he or the organization may not be deemed guilty of the violation until he/she or the organization formally acknowledges responsibility or conclusion of a hearing where the institution has established every element of the alleged violation.
2. The institution will maintain an administrative file of disciplinary proceedings. The file shall include all documents and evidence in the institution's possession or control relevant to the alleged violation and the institution's investigation including but not limited to exculpatory evidence, documents submitted by any participant, and the institution's choice of a video recording, audio recording, or transcript of any disciplinary hearing ultimately held in the matter. The file shall not include privileged document or internal memorandums that the institution does not intend to introduce as evidence at any hearing on the matter.
3. Provide both the accused student or organization and the alleged victim reasonable continuing access to the administrative file and the ability to make copies of all evidence or documents in the file beginning at least seven business days prior to any disciplinary hearing, or sooner if otherwise specified under federal law, except that individual portions of the administrative file shall be redacted if disclosure of the evidence is required by law.
4. Ensure that all disciplinary proceedings are carried out free from conflicts of interest by ensuring that there is no commingling of administrative or adjudicative roles. For purposes of this paragraph, an institution shall be considered to commingle such roles if any individual carries out more than one of the following roles with respect to any disciplinary proceeding:
  - a. Victim counselor and victim advocate
  - b. Investigator
  - c. Institutional prosecutor
  - d. Adjudicator
  - e. Appellate adjudicator

### **The order of the Board of Review**

1. The University Board of Review will convene and review all written information. If the respondent or complainant has written information to share with the Board of Review, it must be submitted two (2) business 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 Respondent/Complainant).
2. The Board of Review will conclude its executive session and admit both the respondent and complainant to the room. Both the respondent and complainant will be present during the questioning. Support Persons and Advocates (as defined) will also be admitted. .

3. The complainant may make a statement to the Board of Review concerning the incident or event which was reported.
4. The respondent may make a statement concerning the incident or event.
5. The University Board of Review members may ask questions to the respondent and complainant. The Advocates may also question the respondent and complainant. Both the respondent and the complainant may question each other by directing questions through the chair.
6. The chair has the authority to decide whether the questions are germane to the case. Also, questions about any written information submitted to the support the allegation may be raised even if the author is not present.
7. Witness(es) for both the respondent and complainant will be called into the room (or virtual meeting space alternative if the Board of Review is conducted wholly or in a hybrid manner online) one by one to provide information supporting or refuting the alleged violations. The Board of Review members may ask questions of the witnesses. The Advocates may ask questions of the witnesses. Both the respondent and the complainant may question witness(es) by directing questions through the chair.
8. The respondent, complainant, 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 Board will not make any assumptions based on a student's refusal to answer a question.
9. The respondent and complainant may each make a closing statement.
10. The Chair may call the Board of Review into executive session at any time to discuss a procedural matter.
11. After all statements have been made and all questions asked by the Board of Review, all non-Board of Review members will be excused, and the Board of Review will go into executive session. At that time, the Board of Review will decide what actions were taken by the respondent and based on that information determine whether the respondent is responsible for violation of the code of conduct. The decision will be based on the information submitted at the Board of Review. The University Board of Review's determination of responsibility shall be made if a preponderance of the information, that is, the facts and information presented in the Review are such that Board finds it more likely than not that the respondent is responsible for the violation of the Code as alleged.
12. If the respondent 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. If the Board of Review finds that a violation was committed, the Board of Review will submit notice of appropriate sanction(s) to the Director or designee. If the recommended sanction is suspension or expulsion, the Board's finding must be unanimous; if other sanctions are recommended, a majority vote is necessary.
13. The Chair shall prepare a written finding from the Board of Review including the Board of Review's rationale. Within five (5) business days following the Board of Review, the Director or designee will email the notice of finding to the respondent. In cases of suspension or expulsion, a copy may also be mailed to the respondent's address listed with the Registrar's Office. The appeal date is established by the date that the decision is emailed. Appropriate University offices will be notified of the imposed sanction after the appeal deadline has passed.
14. In cases involving sexual harassment or actions of violence, the Complainant is notified of the sanction(s) as well. Upon written request, UNO will disclose to the Complainant/victim of a crime of violence, or a non-forcible sex offense, the results of any proceeding conducted against a student who is the alleged perpetrator of such crime or offense (respondent). If the complainant/victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the Complainant.

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 respondent may request to review the official recording of the Board of Review. The recording will be kept in the Office of Student Accountability and Disability Services for at least 7 years after the last date of the student's attendance 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 except in cases involving Sexual Misconduct.



## **University Sanctions**

Sanctions may be imposed upon any student or student organization found responsible for violation of the Code. The most severe sanction, including suspension, denial of a degree or expulsion, can be imposed upon the first finding of responsibility for violation of the Code.

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. (see [Tobacco Free Campus](#))

Restitution: The student or student organization is required to replace (at replacement cost) or restore damaged, stolen, or misappropriated University property. In cases involving damage, theft or misappropriated property of another individual, a student may be required to demonstrate proof of restitution.

Fine: A fine assessed by the University for a finding of responsibility or a fine paid by the student/student organization for participation in an online course or workshop as part of a sanction.

Educational Project, Workshop, or Course: This may include the assignment of a research paper, participation (cost, if any, will be borne by the student) in an online educational program relevant to the issue, or other assignment or workshop relevant to the violation(s) of the Student Code of Conduct.

Grade of 'F' or Zero on an Assignment: When a student is found responsible for an act of academic misconduct on an academic exercise. This grade cannot be dropped in the calculation of the final grade.

Grade of 'F' for a Course: When a student is found responsible for an act of academic misconduct on an academic exercise that compromises the overall learning outcomes for the course.

Loss of Privileges: The student or student organization will incur 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, 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 specified activities on campus.

Organization Loss of Privileges (limited): The student organization loses all campus privileges and must completely cease all social and community activities for a specific period of time and/or until specific conditions are met. Business operations, such as regularly scheduled meetings may continue. If it is determined that the organization is operating in an underground fashion regarding social activities, the organization will be subject to full disciplinary suspension.

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 policies, a physical altercation, and/or Sexual Harassment may have occurred. An Administrative Separation Directive can be issued to one/all parties involved. The Administrative Separation Directive will not prohibit students from attending classes or any other campus activity (even though students may be enrolled in the same class(es). It may require moving the student(s) 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 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 parent(s) or guardian(s) 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 probationary status for a specified period of time. If the student is found to be in violation of any University 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 University regulation(s), particularly during the probationary period, separation from the University will most likely occur.

Interim Removal from University Housing: The student is temporarily removed from residing in University Housing and is not afforded University Housing visitation rights. A final determination on Housing privileges will be made during the accountability process.

Removal 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, they 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\*: A 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.

Interim Disciplinary Suspension\*: A student may be temporarily and immediately suspended prior to a University 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: During a Board of Review, the University officer/Board of Review Board in conjunction with the student might determine this to be the best course of action. This action shall result in assignment of W's for the student's courses. During the Board of Review, any findings and sanctions will become part of the student's educational record.

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 responsible for academic misconduct. This is noted permanently on the student's transcript.

Disciplinary Expulsion\*: The student is 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.

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 sanction is noted permanently on the student's transcript.

## **Appeals Process**

The respondent may file a written appeal of the decision of a finding of responsibility and ensuing sanctions to the Dean of Students, or their designee, within ten (10) business days from the date of the emailed decision. In cases heard by the University Board of Review, the complainant (victim) may also appeal the written decision to the Dean of Students, or their designee, within 10 business days from the date of the emailed decision. The appeal is processed through the Office of Student Affairs; therefore, all appeals should be submitted by the student using their UNO email address to [studentaffairs@uno.edu](mailto:studentaffairs@uno.edu).

The filing of a letter of appeal is a formal written request and must contain the student's name, the date of the decision, the university's action taken, 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:

- a. 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.
- b. Contradictory evidence was presented
- c. A substantial procedural error was committed (due process was not afforded)
- d. 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:

- a. Uphold the decision including the sanctions imposed.
- b. Uphold the decision but impose different sanctions.
- c. 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.
- d. Reverse the decision.

The Dean of Students will, in writing, inform the parties involved of the appeal decision within ten (10) business 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 University level, the appeal must be submitted within 30 calendar days of the University's decision. The Board of Supervisor's review is limited to a determination of compliance with established and appropriate procedures at the University level. The student shall be notified of the Board's decision.

If the sanction of suspension or expulsion is enacted prior to the conclusion of the appeal process, and if the appeal results in the reversal of the decision or a lessening of the sanction, the University shall reimburse the student for any tuition and fees paid for the period of suspension or expulsion which had not been previously refunded, if applicable.

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

If a report is made about 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.

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.

### **Interim Measures**

The University has the right to take reasonable interim measures necessary to ensure the physical safety of members of the campus community during a timely investigation and resolution of a student conduct issue which include, but are not limited to, the ability to make adjustments in student housing arrangements, class schedules, and/or impose conditions of mutual Administrative Separation Directives between the accused student and the alleged victim, interim suspension or interim ban from campus.

A student subject to interim measures shall be given prompt notice of the interim measures, the duration of the interim measures, and the opportunity for a prompt review of those measures.

A review of the interim measures must be scheduled within seven business days of the written notice to the respondent, unless otherwise waived by the respondent. The interim measure review will determine whether there is substantial evidence that the respondent poses a risk to the physical safety of a member of the campus community and that the interim measure is appropriate to mitigate that risk.

At the review, both the respondent and the complainant/ alleged victim will have the right to be represented by an advocate as defined. If the respondent does not appear at and participate in the review hearing, the university will assume the student is waiving their right to a review and the interim suspension may remain in place. The respondent's waiver of the right to an interim suspension review shall not constitute an admission of responsibility or a waiver of any additional rights provided.

The university personnel conducting the interim measure review may consist of the Director and at least two other representatives from offices such as, but not limited to, 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, including name(s) of witnesses provided by both the respondent and complainant. After meeting with the respondent and complainant (victim), reviewing all pertinent information, and interviewing witnesses, the student and

complainant (victim) will be notified in writing of the decision on the interim measures within three (3) business days.

### **Transcript Notations**

With a finding of responsibility for severe or repeat incidents of Code of Conduct violations, a student may be sanctioned to a disciplinary suspension or expulsion. The following may be noted on a student's transcript:

"Student is ineligible to enroll." This will be noted when a student is permanently dismissed/expelled from the university for disciplinary reasons.

"Student is eligible to return (semester)(year)." This will be noted on a transcript when a student is suspended for disciplinary reasons for a specified period of time and indicates which semester the student will be eligible to return.

"Intra-institutional communication required by Louisiana statute." For any student who is the subject of a sexual misconduct incident report, the University may place a hold on the official transcript of the student and/or place this notation on the student's official transcript.

### **Record Keeping**

The University will maintain an administrative file of the proceedings under the UNO Student Code of Conduct for a minimum of 7 years, in accordance with the University's record retention policy. The file shall include all documents and evidence in the University's possession or control relevant to the alleged violation and the University's investigation including but not limited to exculpatory evidence, documents submitted by any participant, and the video recording, audio recording, or transcript of any Board of Review on the matter. The file shall not include privileged documents or internal memorandums that the University does not intend to introduce as evidence on the matter.

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

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.

\*In cases where the likely sanction, if there is a finding of responsibility, will be suspension or expulsion, a hold will be placed on the student's transcript until the case is resolved and all appeals have been exhausted.

(Revised July 2022)