

Loyola University College of Law

An introduction to the Code of Conduct

Loyola University New Orleans' Student Government Association (SGA) wrote and promotes the Student Code of Conduct, which all students, including law students, must adhere to while at Loyola. The SGA hopes that the standards set in the code will resonate with each student, as Loyola aims to educate the whole person. The SGA posits that the rules do not restrict students and student activities, but rather enhances students and student activities by encouraging respect for oneself and others.

Stephanie W. Jumonville
Associate Dean for Students
College of Law

Student Code of Conduct

University Mission Statement

Loyola University New Orleans, a Jesuit and Catholic institution of higher education, welcomes students of diverse backgrounds and prepares them to lead meaningful lives with and for others; to pursue truth, wisdom, and virtue; and to work for a more just world. Inspired by Ignatius of Loyola's vision for finding God in all things, the University is grounded in the liberal arts and sciences, while also offering opportunities for professional studies in undergraduate and selected graduate programs. Through teaching, research, creative activities, and service, the faculty, in cooperation with the staff, strives to educate the whole student and to benefit the larger community.

Section 1: Preamble

Loyola University New Orleans is an educational environment dedicated to fostering intellectual achievement, personal development, social responsibility, and is committed to the human dignity and worth of every person. Acceptance of admission to the University carries with it an obligation for the welfare of the community. As such, Loyola expects the highest standard of personal conduct from its students. The Division of Student Affairs is committed to providing a student-centered, values rich, co-curricular education. Dignity, excellence, wholeness, inclusiveness, and compassion are key values conducive to the pursuit of knowledge and to personal development.

Loyola University New Orleans fully supports and fosters a policy of non-discrimination on the basis of age, color, disability, gender, national origin, race, religion, sexual orientation, and veteran's status.

It is the intention of this *Code of Conduct* to clarify standards of behavior essential to the University's educational mission and community life. The *Code* is applicable to all Loyola students; equally it is applicable to recognized student organizations and/or groups of students.

By accepting admission to Loyola University New Orleans, a student accepts its rules and acknowledges the right of the University to take conduct action, up to and including suspension or dismissal.

I. Definitions

- **"Accused student"** means any student accused of violating the *Code of Conduct*.
- **"Advisor"** refers to the individual who assists a student during the disciplinary process. An advisor must be a current full-time faculty, staff, or religious university community member. Attorneys, parents, alumni, and/or those who have no official affiliation with the University cannot serve as

advisors. Current faculty or staff cannot act as advisors to their own sons/daughters.

- **“Bias”** means the predisposition toward an issue or person which makes it impossible for the hearing board or officer to remain neutral.
- **“Burden of proof”** means information that would lead a reasonable person to conclude that it is more likely than not that a student’s or student organization’s behavior violated the *Code of Conduct*.
- **“Complainant”** means any person who submits an allegation of violation, or presents a complaint on behalf of the University, alleging that a student violated the *Code of Conduct*.
- **“Day”** means the normal University business day.
- **“Discriminatory harassment”** refers to speech, actions or conduct which have the intent or effect of depriving a member of the community of educational or employment access, benefits or opportunities. Merely offensive or annoying behavior may feel like harassment, but to rise to the level of a *Code* violation, harassment must have the potential to cause a deprivation of the civil rights of a member of a “protected class.”
- **“Distribution”** means sale or exchange for personal profit.
- **“Effective consent”** as applicable to the sexual misconduct policy means the clear and unambiguous agreement and willingness, displayed through an exchange of words, which includes a voluntary agreement to engage in mutually agreed-upon sexual activity.
- **“Faculty member”** means any person hired by Loyola to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
- **“Guest”** means any person, including a fellow Loyola student, to whom a student has extended hospitality or an invitation to come onto University facilities or to attend University events.
- **“Group”** or **“student group”** or **“groups of students”** means a number of persons who are associated with each other, participating in a University sponsored program, activity, or living/learning environment, or who have not complied with University requirements for registration as a club, organization, or University program.

- **“Hearing board”** means any persons or group authorized by the Vice President for Student Affairs and Associate Provost to convene and conduct a judicial proceeding.
- **“Hearing officer”** means a University official authorized by the Vice President for Student Affairs and Associate Provost or his/her designee to convene and conduct a judicial proceeding.
 - The Vice President for Student Affairs and Associate Provost may authorize a University official to serve simultaneously as a hearing officer and as a member of a hearing board.
- **“Illegal drugs”** means amphetamines, barbiturates, codeine, cocaine, Demerol, heroin, LSD, LSD compounds, marijuana, mescaline, methadone, methamphetamine, morphine, PCP, peyote, Quaalude, psilocybin, and tranquilizers, unprescribed prescription medication, and any and all substances so defined by the law.
- **“Institution”** and **“University”** mean Loyola University New Orleans.
- **“Conduct Officer”** is the person designated by the Vice President for Student Affairs to be responsible for the administration of the *Code of Conduct* and the student conduct system.
- **“Mitigating circumstances”** are unusual circumstances which may be considered an extenuating factor for warranting the reduction of the degree of responsibility.
- **“Organization”** and **“Student Organization”** means any number of persons who have complied with University requirements for recognition as a club or organization.
- **“Party”** means a social function, event, or other gathering on or off campus, registered or unregistered with the University, at which five (5) or more people are in attendance and at which alcohol may be consumed.
- **“Policy”** means the written regulations of Loyola University New Orleans found in, but not limited to, the *Code of Conduct* and/or *University Bulletin* whether in print or electronic format.
- **“Prior conduct history”** means all information related to any *Code of Conduct* violation(s) that occurred and were resolved prior to the incident in question.
- **“Premises”** includes but is not limited to all land, buildings, facilities, and other property in the possession of or owned, leased, operated, used, or controlled by Loyola University (including adjacent streets and sidewalks).

- **“Property”** includes but is not limited to buildings, facilities, furniture, vehicles, keys, identification badges, parking passes and other items owned, used or controlled by Loyola University.
- **“Protected classes”** include age, color, disability, gender, national origin, race, religion, sexual orientation, and veteran’s status.
- **“Reception”** means any event involving alcohol where the main focus and emphasis is not solely on consuming alcohol for the purposes of socializing. Examples of receptions would include but are not limited to:
 - Events proceeding or following speaker engagements, drama and musical performances, events that facilitate faculty/staff/student interaction, parent’s weekend events, holiday gatherings, or other University-sponsored events.
 - Designation of a philanthropic event as a reception shall be handled on a case by case determination.
- **“Sexual activity”** means any intentional bodily contact intended in a sexual manner. For further definitions regarding **Sexual Misconduct**, refer to **Section 5: Sexual Misconduct, Discrimination, and Harassment Policy and Guidelines.**
- **“Student”** means a person currently enrolled or eligible and intending to enroll in any University program or class whether on or off a University campus and including all persons taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate or professional studies. During the recess period between semesters or the summer period, it includes one who has completed the immediately preceding term and is eligible for enrollment or graduation.
 - Guests of the university, such as those individuals enrolled in coursework but not officially matriculated at Loyola University (such as those individuals enrolled in the “Summer Bridge” program), will be held accountable to the policies of the *Code of Conduct*.
 - For the purposes of this *Code*, “student,” may additionally mean “group” or “organization. ”
- **“University community”** means students, faculty, staff, alumni, or religious community members of the University. A person’s status in a particular situation will be determined by the Vice President for Student Affairs and Associate Provost.
- **“University events”** or **“programs”** mean any activity on or off-campus which is initiated, authorized, registered, or supervised by the University or a University group or organization.

- **“University official”** includes any person employed by Loyola University New Orleans performing assigned administrative, academic or professional responsibilities.
 - This includes full and part-time faculty, staff, and administrators.
 - This includes student staff such as Resident Assistants, Desk Assistants, Evening Building Managers in the Danna Student Center, Building Managers in the University Sports Complex, and other groups identified as student staff by a Loyola faculty, staff, and/or administrator(s).
- **“Will”** or **“shall”** are used in the imperative sense. The term **“may”** is used in the permissive sense.
- **“Witness”** means any person called upon to furnish information relating to an incident in which he/she was not a complainant or respondent.

II. Institutional Authority

The authority over behavior involving individuals, groups, and/or organizations rests with the Board of Trustees and is delegated by them to the President of the University. The President delegates authority in matters of non-academic student conduct to the Vice President for Student Affairs and Associate Provost to establish and hold student conduct proceedings that will ensure the proper administration of the University’s rules and regulations.

The Vice President for Student Affairs and Associate Provost along with the Conduct Officer (VPSA designee) shall oversee the operation of the student judicial system and administration of the *Code of Conduct*.

This *Code of Conduct* applies to students while they are on-campus, when they attend programs and events off campus which are Loyola-related, or when their off-campus behavior is a violation of this *Code* or of criminal law or constitutes a hazard to the health, safety, or well being of themselves or members of the University community.

- A. The University reserves inherent authority and the right to take necessary and appropriate action to protect the safety and well-being of the campus community. The University also reserves the right to take necessary and appropriate action as a result of student incidents off-campus which may affect the well-being of the Loyola community and/or the mission of the University.
 - The Vice President for Student Affairs and Associate Provost or his/her designee may separate a student from the University or residence hall or take other appropriate action whenever the student’s alleged actions constitute a danger or hazard to the University community or a threat to self or others.

- Separation may occur prior to or simultaneously with judicial proceedings.
 - Before separation can exceed ten days, the student shall be given the opportunity to speak directly to the Vice President for Student Affairs and Associate Provost.
- B.** Students may be accountable to both civil authorities and the University for acts which constitute violations of law and of the *Code of Conduct*. At the discretion of the Vice President for Student Affairs and Associate Provost, proceedings under this *Code of Conduct* may be carried out prior to, simultaneously with, or following civil or criminal proceedings.
1. Determinations made or sanctions imposed under the *Code* will not be subject to challenge on the grounds that civil or criminal charges involving the same incident are pending or have been dismissed, reduced, or resolved in favor of or against the student.
 2. Hearing officer(s) and board(s) charged with implementing judicial proceedings will be provided with legal counsel by the University whenever their involvement in such proceedings results in their appearance in civil or criminal courts.
- C.** The Vice President for Student Affairs and Associate Provost along with the Conduct Officer has the right to consider all alleged violations of University policy and determine if a student, group, or student organization should be charged with an alleged policy violation.
- D.** The Vice President for Student Affairs and Associate Provost along with the Conduct Officer shall determine the appropriate course of action for all alleged policy violations.
- E.** Any question of interpretation regarding the *Code of Conduct* shall be referred to the Vice President for Student Affairs and Associate Provost or his/her designee for final determination.
1. Disciplinary policies at the University are set forth in writing in order to give students general notice of standards of conduct. The regulations should be read broadly and are not designed to define conduct in exhaustive terms.
 2. In exceptional circumstances the Vice President for Student Affairs and Associate Provost may modify procedures outlined under the *Code of Conduct*.
- F.** The following may be adjudicated to the same extent as completed violations:
1. Attempts to commit an act that violate this *Code*.
 2. Failure to act after witnessing a public violation of this *Code*.
- G.** The *Code of Conduct* shall supercede any and all regulations and/or decisions made by student groups and/or organizations and their affiliates.

- H. Students are asked to assume positions of responsibility in the University judicial system so they might contribute their skills and insights toward the resolution of disciplinary cases. However, ultimate authority in disciplinary matters is vested in the University administration.
- I. Judicial correspondence shall occur via campus mail, U.S. Mail, Loyola University New Orleans (loyno.edu) e-mail, and/or personal hand delivery of letters. Students will be held accountable for retrieving mail in a timely manner. Failure to do so is not an acceptable excuse for delaying the judicial process.
- J. The complainant must file a complaint within one year of the alleged incident.
- K. The *Code of Conduct* shall be reviewed each year by the Vice President for Student Affairs and Associate Provost, Conduct Officer, Student Government Association, University Attorney, and other designees. It shall be the responsibility of the Student Affairs Policy & *Code of Conduct* Advisory Committee to assure significant participation by all of the constitutive elements of the University community in the formulation of the standards of student conduct. This committee shall advise the Vice President for Student Affairs and Associate Provost concerning matters relating to student interest, and make recommendations.
 - o Members of Student Affairs Policy & *Code of Conduct* Advisory Committee shall be responsible to the Vice President for Student Affairs and Associate Provost and shall consist of equal representation from each constitutive element of the University community:
 - The student membership appointed annually by the Student Government Association.
 - The faculty membership appointed annually by the University Senate.
 - Administrative membership appointed by the Vice President for Student Affairs and Associate Provost.
- L. Loyola University New Orleans expressly reserves the right to revise, supplement or withdraw any policy or portion of a policy from time to time, as it deems necessary.
- M. The University reserves the right to grant access of a student's full judicial file to a hearing board or hearing officer when determining sanctions after a student is found responsible.
- N. Students are expected to know and comply with University policies and any special instructions and directives announced by the Vice President for

Student Affairs and Associate Provost or designee. Ignorance is not an acceptable justification for committing violations of University policies. Lack of intent or awareness of such policies will not be accepted as excuses for violations and will generally receive the same consequences as deliberate violations.

- O. There are occasional, exceptional situations in which a student's physical or mental health condition is of such a nature that action needs to be taken to withdraw the student from the University.
 - 1. The action can occur if in the judgment of the University, the student cannot benefit from the academic program, cannot benefit from the available and limited medical and/or psychological counseling resources of the University, and/or if the student is threatening harm to self and/or others, and /or is of disruptive concern to others.
 - 2. The intent of this policy is to assist the student who appears to be unable to function effectively in the University community, for physical or mental health reasons, without infringing on the rights of others in the University community.
 - 3. It is also the intent of this policy to enable a student to continue toward the successful completion of his/her academic goals, if not immediately, then in the future.
 - 4. Upon appropriate consultation, the Vice President for Student Affairs and Associate Provost has the authority to separate a student from the University for reasons of physical or mental health.
 - 5. A student separated for reasons of physical or mental health may not re-enter the University unless written clearance is given by the Vice President for Student Affairs and Associate Provost.

III. Student Discipline Philosophy

- A. The student conduct process is regarded as an essential and constructive element of the educational process. Emphasis is placed on students' acceptance of personal responsibility to uphold and safeguard community standards. Sanctions are intended to challenge students' moral and ethical decision-making and to help bring behavior into accord with community expectations.
- B. The focus of the inquiry in disciplinary proceedings shall be to determine if the individual, group, or organization is responsible or not responsible for violation of the *Code of Conduct*. The student conduct process is different from criminal and civil court procedures. Procedures and rights in student conduct proceedings are conducted with fairness but do not include the same protections afforded by the courts. Due process, within these procedures, assures written notice, a hearing, and the right to appeal as described within these procedures.

1. Formal rules of evidence shall not be applicable nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding.
 2. The burden of proof shall be upon the complainant.
 3. Students, groups, or organizations will be found in violation of university policy if the burden of proof is met.
 4. Sanctions will be proportionate to the severity of the violation(s).
- C. Investigation of student conduct**—Searches of University owned or operated student residence facilities may be conducted by the office of the Vice President for Student Affairs and Associate Provost in accordance with Residential Life policies.
1. No form of harassment will be permitted on the part of the institutional representatives to coerce an admission of responsibility or information about other suspected persons from the student involved.
 2. Pending action on charges or appeals, the status of a student should not normally be altered, nor the right to be present on campus and attend classes be suspended, except for reasons, which in the judgment of the University, that conclude the student's alleged actions constitute a threat to self or others within the University community.
- D.** Loyola University reserves the right to notify parents/guardians of dependent students regarding any conduct situation. Where a student is not dependent, Loyola University may contact parents/guardians to inform them of situations in which there is a health and/or safety risk. Loyola University also reserves the right to designate which university officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA).
- E.** In accordance with FERPA and the Clery Act, the complainant in a sexual misconduct incident has an absolute right to be informed of the outcome and sanctions of the hearing, in writing, without condition or limitation. The university may release information to the complainant, but complainants are cautioned that FERPA does not permit them to re-release this information to others.
- F.** A student group or organization and its officers may be held collectively or individually responsible when violations of this *Code* by those associated with the group or organization have received the tacit or overt consent or encouragement of the group or organization, or of its leaders, officers or spokespersons. Sanctions of the group or organization may include up to suspension of recognition or charter revocation.

Section 2: Student Rights and Freedoms

I. Freedom in the Classroom

The professor in the classroom and in a conference should encourage free discussion, inquiry, and expression in the subject of the course. Student

performance is to be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

II. Freedom of Expression & Inquiry

- A.** Students are free to take reasoned exception to the information or views offered in any course of study, and to reserve judgment about matters of opinion. However, they are responsible for learning the content of any course of study for which they are enrolled.
- B.** Students and student organizations are free to examine and discuss all questions of interest to them and to express opinions publicly and privately. Freedom of speech and freedom of assembly are principles which Loyola has traditionally upheld and reaffirms. Implicit in these freedoms and with regard for the common purposes of the institution is the right to dissent and demonstrate in a peaceful and nondisruptive manner.
 - 1. The university community holds that those who enjoy these freedoms must also accept responsibility for order and discipline. While Loyola guarantees the right to peaceful and nondisruptive dissent to all the members of its academic community, it cannot and will not permit any actions or activities which are disruptive of its normal operations. Examples would include obstructive picketing or obstructive occupation of space and any activity which substantially prevents normal movement of persons, creation of interruptive noise or conduct which interferes with a person's right to speak (including oral, written, or symbolic expressions imposed on an audience or a person), repeated interruption of or substantial interference with a person's normal expectations of quiet for formal campus pursuits (such as education and administrative activities, studying, eating, and sleeping).
 - 2. Immediate suspension of those specific activities judged to be disruptive may be ordered by the President, the Vice President for Student Affairs, or their designated representatives whenever it is determined such preventive action is to be required in order to protect lives or property and to insure the maintenance of order. The order from a university official to cease all actions which are considered to be disruptive will take the form of a public statement to cease the disruptive activity and to disperse within a specified reasonable time as determined by the university official. If the individuals or groups participating in said demonstration cease their disruptive activity and disperse within the time specified, that fact will be taken into consideration in any disciplinary hearings that may follow the disruptive action.
- C.** Any segment of the academic community is free to invite and hear any personality and idea presented in the University forum. Sponsorship of speakers does not imply approval or endorsement of the views expressed, either by the sponsoring group or by Loyola.

- D.** It is incumbent upon the academic community to insure that the University forum is neither disregarded nor taken lightly since the forum reflects on every member of the academic community. The institutional control of campus facilities will not be used as a device of censorship. The Standing Committee on Student Rights, Freedoms, and Responsibilities shall be the board of appeal on action taken under this section.

III. Privacy

A. Protection Against Improper Disclosure

Information about student views, beliefs, and political associations that professors acquire as instructors, advisors, and counselors is considered confidential. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge and consent of the student.

B. Protection of Student Records

1. The student's permanent educational record remains a personal document, and its contents are revealed only under rigid regulations as specified in the Family Educational Rights and Privacy Act (known as FERPA or the Buckley Amendment), 20 U. S. Code 1232g, 20 Code of Federal Regulations Part 99. Academic transcripts contain information concerning the academic status of the individual; disciplinary records are maintained separately from academic records in order to prevent simultaneous disclosure. No records are available to unauthorized persons either inside or outside the academic community without the express consent of the student involved (or his or her legal guardian in the case of a student who is a minor).
2. Civil authorities must present an order of the court to have access to these records. Staff and faculty should respect confidential information about students which they acquire in the course of their work. Students should likewise exercise extreme caution in the circulation of information about fellow students that does not have a direct bearing upon their academic performance. The student has the right to obtain a copy of his or her academic transcript from the Office of Student Records.
3. The complete policy on the Release of Student Information may be found on the Loyola website, in the Office of Student Records, and in the Academic Information section of the *Code of Conduct*.

IV. Medical withdrawal guidelines

A. Reasons

1. Physical or psychological difficulties causing severe impairment in one or more settings.
2. Student cannot benefit from the academic program and limited campus therapeutic resources (e.g., inpatient substance abuse treatment indicated).

B. Rationale

1. Assist students toward success without penalty.

C. Steps

1. Student requesting the medical withdrawal schedules an appointment with UCC Director or Staff Counselor.
2. UCC Director or Staff Counselor meets with student and conducts psychological evaluation.
3. Student must present a recommendation from his or her own physician(s) or treatment provider(s). This will be reviewed by the UCC Director.
4. UCC Director reviews all medical withdrawal requests and medical records (if applicable) and submits a recommendation to the Vice President for Student Affairs and Associate Provost.
 - a. Recommendation includes treatment requirements for re-admittance such as a psychiatric evaluation and/or psychological outpatient or inpatient treatment depending on the issue.
5. At least one month prior to the student's return to the university, he or she must attend another evaluation with the UCC Director and provide permission for her to review prior treatment records and speak with the treatment provider.
6. After reviewing the treatment records and consulting with treatment providers, the UCC Director submits a recommendation for readmission to the Vice President for Student Affairs and Associate Provost and when needed, includes provisional requirements such as bi-weekly counseling.

V. Campus Organizations

- A. Students should be free to organize and join associations to promote their common interests.
- B. The membership, policies, and actions of a student organization are determined by vote of those persons who hold or have held bona fide membership in the University community.
- C. Affiliation with an extramural organization does not of itself disqualify a student organization from University recognition.
- D. Campus advisors are required for each organization: each organization is free to choose its own, subject to approval by the Vice President for Student Affairs and Associate Provost. University recognition will not be immediately withdrawn solely because of the inability of a student organization to secure an advisor. Chartered student organizations will have up to two months to secure an advisor. The Vice President for Student Affairs and Associate Provost will consider any extenuating circumstances which may require an extension of that time. Campus advisors counsel organizations, but they do not have the authority to control the policies of such organizations.

- E. Student organizations are required to submit statements as deemed necessary for institutional recognition and rechartering.
- F. Campus organizations, including those affiliated with an extramural organization, are open to all students without regard to age, color, disability, gender, national origin, race, religion, sexual orientation, and veteran's status as a condition for university recognition. Organizations with a 501C IRS code may exclude membership based on gender. Religious qualifications may be required by organizations whose aims are primarily religious. Implementation of this policy is the responsibility of the Standing Committee on Student Rights, Freedoms, and Responsibilities.
- G. The University is not liable or responsible for any injuries incurred by participants in or spectators at intramural activities, club sports, or general recreation in or outside of University facilities. Students participating in the intramural program or other recreational sports are responsible for ensuring that they are medically able to withstand the rigors of the physical activity in which they plan to engage. Likewise, all students should have sufficient health insurance in the event of an accident.
- H. Certain University/student-sponsored events will require special university police coverage. The director of university police will make the final determination whether an event will require special security coverage and the number of officers required. Arrangements for special security services must be made with the University police department at least 10 working days prior to the scheduled event. Failure to make appropriate arrangements for University police coverage will subject the event to cancellation.

VI. Participation in Institutional Government

As constituents of the academic community, students are free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of the student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

VII. Student Media

- A. Student media are to be a free and independent voice acting in the best interest of the University in the pursuit of truth. It is the responsibility of the University to provide editorial freedom and sufficient financial autonomy for these media to establish and maintain their integrity for free inquiry and free expression in the University. It is the responsibility of these organizations to observe the canons of responsible journalism and broadcasting. Representatives of the student communications media have the right to review non-privileged information in the academic community;

the community has the responsibility to share this information so that these students may perform their functions to the fullest.

- B. A University Board of Communications shall establish and publish appropriate procedures:
 - 1. For the appointment and removal of student media leaders.
 - 2. For the promotion of an attitude of mature responsibility among all who contribute to student communications media.
 - 3. To insure that each of the media recognizes and accepts its obligation to itself, the University and its standards, and the community at large.
 - 4. To assure adherence to the policies contained in this section.
- C. The members of the Board of Communications shall be responsible to the President and shall consist of:
 - 1. Three student members appointed annually by the Student Government Association.
 - 2. Three faculty members appointed annually by the University Senate.
 - 3. Three members of the administration appointed annually by the Vice President for Student Affairs and Associate Provost.
 - 4. Individuals serving as student media leaders are ineligible to serve.

VIII. Off campus Freedom of Students

Loyola students are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and the right of petition that other citizens enjoy; and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. The academic community should ensure that institutional powers are not employed to inhibit such intellectual and personal development of students exercising their rights of citizenship both on and off campus.

IX. Amendments

This statement of policy may be amended to provide for proper interpretation, to alter the original intent, or to make additions. Students should propose amendments to the Chief Justice of the SGA Court of Review; faculty, staff and/or administrators should propose amendments to the University Conduct Officer. Amendments will then be presented to the Student Affairs Policy and Code of Conduct Advisory Committee. The amendment must receive a two-thirds vote of the advisory committee to warrant a recommendation to the President. The President, if he approves, will notify the committee to include the amendment in the Student Rights and Freedoms section.

Section 3: Student Responsibilities and Expectations

I. Address Change

A student changing his or her permanent address or off-campus local address is required to provide prompt notification to the Office of Student Records. Resident students are not required to provide notification of room changes. Failure to provide current, correct information regarding a change of address is cause for cancellation of registration.

II. Administrative Instructions

A student of the Loyola community is expected to comply with the oral and written instructions of University Officials.

- o *Compliance would include providing clear and factual information concerning the situation and cooperating in a polite and respectful manner.*

III. Alcohol

A. Louisiana State Law Guidelines

1. The law of the State of Louisiana prohibits any person younger than 21 years of age from purchasing or publicly consuming or possessing any alcoholic beverage.
2. It is contrary to the law of the State of Louisiana for any person under the age of 21 to present or offer to any person any written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his or her own for the purpose of obtaining or purchasing alcoholic beverages.
3. A blood alcohol level of .08 is presumptive of being under the influence or driving while intoxicated.
4. It is illegal for the vehicle operator to be in possession of an alcoholic beverage in the passenger area of a motor vehicle.
 - a. "Open alcoholic beverage container" means any bottle, can, or other receptacle that contains any amount of alcoholic beverage and to which any of the following is applicable:
 - i. It is open or has a broken seal.
 - ii. Its contents have been partially removed.
 - b. The "Open alcoholic beverage container" shall not mean any bottle, can, or other receptacle that contains any amount of frozen alcoholic beverage unless the lid is removed or a straw protrudes through the lid.

B. University Regulations Governing the On-Campus Use of Alcohol

1. The Loyola University New Orleans alcohol policy adheres to the laws of the State of Louisiana regarding the purchase, sale and consumption of alcohol and in accordance with the specific regulations that have been established by the University.
2. A student of legal age (e.g., age 21 in Louisiana) may purchase and consume alcoholic beverages.
3. Public intoxication and/or alcohol abuse is prohibited and is not an excuse for irresponsible behavior or *Code of Conduct* violations.

4. A student or visitor may not publicly carry open containers of alcohol on the University property except during approved university events.
5. The university dining service provider has the appropriate licenses to sell and serve alcohol at university events.
6. No liquor may be sold or served at any time or under any circumstance not approved by the Office of Co-Curricular Programs.
7. The Office of Co-Curricular Programs reserves the right to determine whether an event is considered a “party” or a “reception”.
8. Unsanctioned kegs, pony kegs, grain alcohol, Everclear, multi-alcohol drink punches, party balls, or other large quantities of alcohol are prohibited.
9. The act of providing alcohol or alcoholic beverages from common source containers (e.g. trash barrels, watermelons, igloos, punch bowls, etc.) is prohibited.
10. Drinking games or other activities which deliberately encourage the consumption of alcohol are prohibited.
11. The possession of alcohol paraphernalia, (e.g. beer bong, funnels, etc.), that is designated for the irresponsible use of alcohol is prohibited.
12. A student, group, or student organization will be held directly responsible for the destruction of personal or public property, the violation of the safety or rights of another person, or the violation of any other campus regulations that may occur while they are under the influence of alcohol.
13. A student group or student organization is expected to comply with the event registration requirements for holding a “party” or “reception” on-campus, which can be found at the Office of Co-Curricular Programs.

C. University Regulations Governing the Use of Alcohol in Residence Halls

1. A student that is 21 or older, and resides on-campus in the residential halls may consume alcohol in their residence hall room as long as it is in a responsible manner. They cannot provide alcohol to those under the age of 21.
2. Alcohol consumption and/or any alcohol open or closed container will only be permitted in private and not public areas of the residence halls or in the proximity of any residence hall unless it is deemed an official residential life, office of co-curricular programs, or University-sponsored reception.
3. Private events are permitted in the residence halls so long as all relevant policies concerning alcohol are followed as well as the Private Event Policy for the Residence Halls.

D. Off-campus Alcohol Policy

A student group or student organization is expected to comply with the event registration requirements for holding a “party” or “reception” at an off-campus location, which can be found at the Office of Co-Curricular Programs.

IV. Behavior on Other Campuses

A student is responsible for abiding by the policies set forth by other higher education campuses when visiting as a guest. A student that violates host campus regulations while present as a student visitor or guest may be referred to the Student Affairs Office at Loyola for a hearing on the alleged offense, or referred to the local police at the discretion of the responsible parties on the host campus.

V. Campus Residency and Food Service Requirement

- A.** All first- and second-year students from outside the New Orleans metropolitan area are required, as a condition of enrollment, to reside in University housing.
- B.** All residence hall students are required to participate in the meal plan for the entire academic year.
- C.** First- and second-year students from within the New Orleans metropolitan area must either reside in University housing to the extent that space permits or with their parents or legal guardian.
- D.** Subject to verification and written authorization by the director of residential life, first- and second-year students may be given permission to live off-campus for any of the following:
 - 1. The student resides full time in the established household of his or her grandparents, sister, brother, uncle, or aunt.
 - 2. The student has completed two academic years of full-time college enrollment.
 - 3. The student has served one or more years in the U.S. armed forces.
 - 4. The student has a health condition which precludes their living in a residence hall, subject to review and confirmation by the University health center.
 - 5. The student provides evidence, satisfactory to the University, that they are lawfully married.
 - 6. The student is 21 years of age or older on or before the first day of classes of the semester.
 - 7. Authorization for off-campus housing does not relieve the student of contractual obligations which may have been previously assumed with the University for housing in the residence halls.
- E.** The residence halls are designated for the traditional college student. It is recommended that non-traditional students be housed in accommodations best suited to their age, personal circumstances, interests, and needs based upon a personal interview with the director of residential life.

VI. Computer and Internet Use Policy

- A.** The Office of Information Technology provides a variety of computer resources to enhance the instructional and research environment at the

University. These computing facilities are intended solely for use by Loyola students, faculty, and staff in accordance with the instructional, research, community service, and administrative goals of the University.

- B.** The computing facilities may not be used for profit-making, commercial, or political activities.
- C.** They may not be used in any manner that attempts to violate or violates applicable state or federal laws.
- D.** All users of University, their own, or of other computing facilities shall respect the privacy and usage privileges of others. This includes not accessing or copying e-mail, data program files, etc. of others. No user may gain or seek to gain unauthorized access to computer facilities, or to the data, programs, processes, electronic communications, or equipment of another user.
- E.** Users shall understand that personal information, including pictures, videos, and comments, posted on the Internet via programs such as MySpace.com and Facebook.com, are public information. The university shall not regularly monitor online activity or information but may take action if and when such information is brought to the attention of university officials.
 - 1. A student is responsible for his/her actions and behaviors while accessing the Loyola University New Orleans Internet technology network.
 - 2. A student may be subject to investigation and sanctions if alleged policy violations are brought to the attention of the University that describe or document University policy violations on-campus or at an off-campus University-sponsored function.
- F.** Users shall follow appropriate standards of civility to communicate with others. Such behavior involves identifying oneself when sending personal messages and refraining from any harassing, discriminatory, obscene, fraudulent, defamatory, threatening, or coercive comments or activity.
- G.** A student may not have access or use the University's administrative computer system except in the performance of their assigned duties as a student employee.
- H.** Users shall abide by all copyright laws. Unauthorized attempts to browse, access, solicit, copy, use, modify, or delete electronic documents or programs belonging to other people, whether at the University or elsewhere, will be considered a serious violation of this policy.
 - o The University will cooperate with efforts to control illegal downloads.
- I.** The unauthorized access or use of University computer systems is a violation of University policy and a serious breach of law. Civil penalties might arise as a result of the improper use of computer resources. The State of Louisiana has enacted a number of laws construing inappropriate or unauthorized use of computers as criminal behavior. A student may also face University discipline that may include suspension.

- J. Destruction, modification, use, copying, or accessing data or programs stored in or with a computer without authorization may result in up to five years of imprisonment, a \$10,000 fine, or both.

VII. Decorations

- A. A student or student organization is responsible for and will be charged for any decorations that stain, alter, or otherwise damage on-campus property.
 - 1. This includes on-campus rooms, walls, walkways, hallways, residential hall rooms, etc.
 - 2. Damages include, but not limited to nail holes, hooks, decals, tape marks, and stickers.
- B. A student or student organization will be charged if disturbing or moving attached or permanently fixed furniture, decorations, foliage, etc.
- C. A student that resides in the residential halls is prohibited from decorating windows that face outside the building. Student residents will be subject to a judicial hearing if found in violation with inappropriate objects or decorations in the window.
- D. **A student that resides in the residential halls is required to return his or her room to its original condition by the end of the contract period.**

VIII. Dishonesty

A student is prohibited from being dishonest in such a way that includes but not limited to cheating, plagiarism, knowingly furnishing false information to the University, its officials or duly constituted committees, forgery, and the alteration or use of institutional documents or identification with the intent to defraud.

IX. Elevators

- A. Tampering with elevator equipment is strictly prohibited, as it can pose a serious safety threat to all students of the University community.
- B. Should a student or guest of the University community drop keys or other personal items down the elevator shaft, it is advised that they wait until the elevator is serviced.
 - o A student may be required to pay a fee charged by the elevator repair company for retrieving personal items.

X. Emergency Medical Transport

A student is expected to accept medical transport by a Tulane Emergency Medical Services (TEMS) vehicle if the TEMS staff member determines that a student is under the influence of drugs or alcohol and must go to the hospital for an evaluation.

XI. Facilities Use

- A. A student is expected to observe the rules relating to the use of campus buildings and other University owned, operated, or approved facilities.
 - 1. Use of any previously described facility must be approved beforehand by the director of residential life (residence halls), the associate

director of the University Sports Complex, or the director of the Danna Student Center.

- B. A student should have the proper authorization before entering a locked building or office on campus.
- C. Violation of this policy may subject a student to suspension and/or civil action.

XII. Falsification or Misuse of University Records

- A. A student is required and expected to complete accurately and honestly all University records.
- B. A student is prohibited from falsely making, forging, manufacturing, printing, reproducing, tampering with or altering any writing, record, document, or identification form used or maintained by the University.
- C. A student is prohibited from knowingly possessing, displaying, or causing or permitting to be displayed any writing, record, document, or identification form used or maintained by Loyola knowing the same to be fictitious, altered, forged, counterfeit, or made without proper authority.
- D. If a student falsifies a record and it is discovered between the time of his or her application for admission and the beginning of classes, it will be considered cause for cancellation of registration.
- E. If such a falsification is discovered after the student has begun classes, it will be considered cause for dismissal.

XIII. Federal, State, and Local Law

The University expects that a student will comply with federal, state, and local laws.

XIV. Fire/Life Safety

- A. It is prohibited to tamper with fire fighting equipment and fire alarm systems, or in any way cause a fire alarm to activate. A student is expected to report anyone observed in violation of this policy.
 - 1. If found in violation, the responsible student(s) may be subject to:
 - a. \$1,000 fine
 - b. Residence hall dismissal if the perpetrator is resident student and offense occurs in residence hall
 - c. University discipline up to and including suspension from the University and/or civil prosecution for criminal mischief.
 - 2. Due to the serious and life threatening nature of such an offense, the University may offer a \$500 reward for information leading to the apprehension of the responsible individual(s).
- B. **Fire Alarm Protocol**
 - 1. If a fire alarm sounds, all building occupants are to go to the nearest stairway and leave the building promptly. Instructions of University officials are to be followed.
 - 2. Failure to leave the building promptly or follow instructions may result in a fine of \$250 and disciplinary action up to and including

disciplinary probation and/or residence hall dismissal, if applicable.

XV. Firearms/Fireworks/Weapons

- A.** Loyola University prohibits the possession of and/or use of firearms, fireworks or other dangerous weapons.
- B.** Louisiana law and University policy prohibit:
 - 1. The sale, possession, or use of fireworks; the manufacture, possession, or control of any explosive compound or mixture with a detonator or initiator or both, or any fake explosive.
 - 2. The manufacture, ownership, possession or custody or use of any switchblade knife, spring knife, or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by manipulation of a button, switch, latch, or similar contrivance.
 - 3. Carrying a dangerous weapon to include any gas, liquid, or other substance or instrumentality that, in the manner used, is calculated or likely to produce death or great bodily harm.
 - 4. The possession of firearms on-campus.
- C.** The above prohibitions also apply to possession and storage of these items in a motor vehicle parked on Loyola's campus.
- D.** Violation of the above policy and state law will subject the offender to University discipline up to and including dismissal from the University and/or prosecution under the state's criminal statutes depending on the nature and seriousness of the offense.

XVI. Guests

- A.** It is expected that guests of students of the Loyola community will at all times conduct themselves in accordance with the policies and standards of the University
- B.** A student will be accountable for the conduct of his or her guest(s) and may be subject to disciplinary action as the responsible party for violations of University policy incurred by their guests.
 - o Students are responsible for any activity that occurs in their residence hall rooms whether or not they are present at the time.
- C.** This policy will apply to individual students, student groups, and recognized student organizations.

XVII. Hazing

- A.** Loyola University prohibits any of the following actions taken or situations created, regardless of location, intent, or consent of the participants which:
 - 1. Endangers the physical and/or psychological health or safety of an individual
 - 2. Creates a risk of injury
 - 3. Causes discomfort, embarrassment, harassment, or ridicule

4. Willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in an organization.
- B.** Loyola University prohibits actions or situations that:
1. Are mentally, physically, or morally degrading
 2. Interfere with scholastic activities or responsibilities of a student
 3. Require a person to perform a menial task of any kind
 4. Are inconsistent with Greek-letter organization ritual or founding principles.
- C.** Loyola University prohibits any other activities that are in violation of the policies and rules of recognized student organizations, Loyola University, city, parish, state, or federal law, and/or national governing bodies and conferences.
- D.** Loyola University cannot and will not tolerate hazing activities and will pursue severe action against any student or organization found in violation of this policy, up to and including indefinite revocation of the charter for the organization and suspension or dismissal for students involved.

XVIII. Identification Cards

- A.** As part of registration, each student is responsible for securing a student identification card, known as the Loyola Express Card, which shall remain in his or her possession at all times.
- B.** A student who withdraws or is withdrawn from the University shall surrender the identification card to the appropriate University official.
- C.** A student shall, upon demand, surrender their identification card to the appropriate University authority. The individual requesting the surrender of the Loyola Express Card must properly identify themselves. The alternative to surrendering the Loyola identification card upon request is police arrest. Refusal to surrender an identification card is cause for disciplinary action.
- D.** The identification card is issued to the individual student and is nontransferable. Any student using a Loyola Express Card improperly will be fined \$100 for the first violation. Any subsequent violation will be subject to a \$150 fine and disciplinary action.

XIX. Illegal Drugs

A. Federal Laws on Illegal Drugs

1. Possession of Illicit Drugs

- a. Federal laws prohibit illegal possession of controlled substances.
- b. First offense: prison sentences up to one year and up to \$100,000.
- c. Second offense: prison sentences up to two years and fines up to \$250,000.
- d. Special sentencing provisions apply for possession of crack cocaine, including imprisonment of five to 20 years and fines up to \$250,000 for first offenses, depending upon the quantity of crack possessed.

2. *Trafficking of Illicit Drugs*

- a. Under federal law, the manufacture, sale or distribution of all Schedule I and II illicit drugs (e.g., cocaine, methamphetamines, heroin, PCP, LSD, Fentanyl, and all mixtures containing such substances) is a felony. First offense: prison sentences of five years to life (20 years to life if death or serious injury is involved) and fines of up to \$4 million for offenses by individuals (\$10 million for other than individuals).
- b. Federal law also prohibits trafficking in marijuana, hashish and mixtures containing such substances.
 - i. First offense: maximum penalties range from five years to life (20 years to life if death or serious injury is involved) and fines of up to \$4 million for offenses by individuals (\$10 million for other than individuals). Penalties vary depending upon the quantity of drugs involved.
 - ii. Second offense: penalties range from 10 years to life (not less than life if death or serious injury is involved), and fines of up to \$8 million for individuals (\$20 million for other than individuals).
- c. The illegal trafficking of medically useful drugs (e.g., prescription and over-the-counter drugs) is illegal.
 - i. First offense: prison sentence of up to five years.
 - ii. Second offense: prison sentence of up to 10 years.

B. University Policy on Illegal Drugs

1. The Loyola University New Orleans illegal drug policy adheres to the federal, state, and municipal laws regarding the possession, consumption, distribution, or sale of marijuana and/or other illegal drugs.
2. The use of illegal drugs is a violation of federal, state, and municipal laws and the *Code of Conduct*. Loyola University cannot and will not protect students from prosecution under federal, state, and municipal laws.
3. The University reserves the right to periodically conduct unannounced canine drug searches in on-campus spaces, including residence hall rooms, to identify the presence of illicit drugs, in order to encourage a drug-free living environment.
4. The following rules shall be enforced with respect to on-campus conduct and conduct at all campus related activities and are applicable regardless of the status of violation in any courts.
 - a. Possession of drug paraphernalia as commonly defined (pipes, bongs, etc.) is prohibited.
 - b. The distribution or merchandising of drugs, including marijuana, is prohibited and will result in dismissal and arrest.

- c. All illegal drugs, controlled substances and/or drug paraphernalia will be confiscated by the proper authorities.
5. The illegal possession or consumption of drugs, prescription medication, possession of paraphernalia, or misconduct resulting from such, will result in disciplinary action up to and including dismissal.

XX. Keys

- A. A student shall not, without proper authority, knowingly possess, make, or cause to be made any key to operate any lock or locking mechanism used or maintained by the University.
- B. All keys to University locks are to be reproduced only by Physical Plant.

XXI. Noise

A. On-Campus Noise

1. A student and/or student organization will keep noise at an acceptable level that does not disrupt on-campus residents or the learning environment around other buildings.
2. The use of microphones, and other amplified noises in these areas must be approved by the Department of Residential Life and/or the Office of Co-Curricular Programs, and will be considered only with a written proposal, submitted no less than 24 hours before the start of the event.
3. A fine of up to \$250 will be levied against student(s), student groups, or a student organization(s) that are found to be in violation of this policy.

B. Residence Hall Quiet Hours

1. In order to maintain an atmosphere in the residence halls that is conducive to study and sleep, quiet hours are observed during the following times:
 - a. **Sunday - Thursday: 8 p.m. - 10 a.m.**
 - b. **Friday - Saturday: 10 p.m. - 10 a.m.**
 - c. **The week prior to and during Final Examinations**
2. During quiet hours, students in the residence halls, porches and residential quads must keep stereos, TVs, voices, musical instruments, and other sources of noise at a level that cannot be heard in another student's room.
3. In addition to quiet hours, courtesy hours are in effect at all times. A student will comply with any and all reasonable requests made by University officials and students to lower their noise levels.

XXII. Obstruction of Disciplinary Matters

A student is expected to comply and participate fully in the disciplinary process of the University. Non-compliance will subject a student to further disciplinary action and/or sanctions. Non-compliance factors include, but are not limited to, the following:

- A. Any attempt to intimidate, harass, or abuse any party or witness to a disciplinary action, or any board member or hearing officer, before, during, or after a judicial hearing, is prohibited.
- B. Denial or failure to meet with the University Conduct Officer or other hearing officer(s) for a judicial administrative meeting.
- C. Failure to attend a judicial hearing with a hearing board or hearing officer(s).
- D. Failure to complete assigned sanctions assigned.

XXIII. Off-Campus Educational Programs Behavior and Discipline

Loyola University conducts a number of educational programs for academic credit in sites other than New Orleans. In instances where students are enrolled in a Loyola program offering academic credit, those students are subject to the *Code of Conduct*. Exceptions to the published policies in the *Code of Conduct* could exist if the laws governing the host location or published standards are not applicable to the location or program.

XXIV. Persistent Misconduct

A student with prior conduct history may be subject to a full judicial file review during a proceeding if it is determined that behaviors reflecting consistent disregard for University or residence hall policy, and/or the rights of others, exist.

XXV. Promotion of Non-recognized Student Organizations

- A. A student is prohibited from affiliating and promoting non-recognized student organizations.
- B. A student is prohibited from promoting the goals, purposes, identity, programs, or activities for suspended organizations or organizations whose charters have been revoked.

XXVI. Property Damage

- A. A student is prohibited from removing, destroying, or otherwise damaging University property.
- B. A student is prohibited from any action that could inflict damage to University property.
- C. A student is prohibited from intending to, or accidentally damaging, defacing, or otherwise destroying University facilities.
- D. A student is prohibited from intending to, or accidentally damaging, defacing, or otherwise destroying personal property of a University community member.

XXVII. Registration of Events

All events held by a student and/or student organization must be registered within the appropriate supervising department:

- A. Events within Residential Life should be registered with the Office of Residential Life.
- B. Events held in the Danna Student Center or elsewhere on Loyola's campus should be registered with the Office of Co-Curricular Programs.

- C. Events held by registered student organizations should be registered with the Office of Co-Curricular Programs.
- D. Events held in the University Sports Complex should be registered with the Department of Athletics and Wellness.

XXVIII. Room Responsibility

All students found in the presence of a policy violation within a residence hall room, regardless of participation, will be charged with an alleged violation of the *Student Code of Conduct* and have a judicial hearing. Students may be found responsible in the judicial hearing for the alleged policy violation and appropriately sanctioned. Students are responsible for any activity that occurs in their residence hall rooms whether or not they are present at the time.

XXIX. Sales Solicitation

- A. Only authorized persons, firm, corporations and organizations are allowed to engage in the business of selling or advertising of any services, activities or goods within the boundaries of the University.
- B. All signs, posters, and other handouts to be placed on campus and in the Danna Student Center must be approved by the Office of Co-Curricular Programs, while the Office of Residential Life must approve all such advertisements before they are posted in the residence halls.

XXX. Smoking

The smoking of cigarettes, cigars and similar legal substances is permitted only in designated smoking areas on University property.

XXXI. Stalking

A student is prohibited from engaging in the following patterns of conduct, (meaning repeatedly, two or more times):

- A. Maintaining unwanted visual or physical proximity to a University community member.
- B. Repeatedly conveying oral or written threats, whether electronically or another form.
- C. Implicitly threatening conduct.
- D. Any combination of A through B directed at or toward a University community member.

XXXII. Student Health Services

- A. Loyola University New Orleans and Louisiana law **REQUIRES all incoming students and students residing on campus to submit vaccination documentation.** This requirement includes proof of immunization for **tetanus/diphtheria** (within the past 10 years), **meningococcal disease**, and for students born after 1956, **measles, mumps, and rubella** (two doses). **Registration for any course will be “temporary” until the completed Proof of Immunization Compliance form has been reviewed by the Student Health Center. Failure to submit the completed form**

will result in a cancellation of classes. This requirement can be met by providing evidence of prior vaccination, or by being vaccinated at Student Health Services.

- B.** A medical release must be on file for each student not of legal age as defined by the state of residence.
- C.** A student too ill or injured to attend class should report to Student Health Services prior to the scheduled class, if possible. If the medical staff concurs that the illness or injury is serious, a confirmation memorandum will be sent to the faculty member. The faculty member will make the final determination on whether or not to accept the student's absences as excused.
- D.** A student who will miss class for an extended period of time due to illness or accident should visit or notify Student Health Services. Student Health Services, upon verification of the illness or accident, will notify the Vice President for Student Affairs and Associate Provost of the absence and projected duration.
- E. Health insurance is mandatory for all residents and international students.** A student must subscribe to Loyola University's accident-sickness insurance plan or fully complete the waiver card which shows evidence that the student has adequate coverage for the term. Students who plan to reside in on-campus housing may not reserve space until this condition is met.

XXXIII. Theft

A student who is found to be appropriating University or private property for their own use or sale without the specific consent of the owner, or person legally responsible for it, will be subject to investigation from both University and civil authorities.

XXXIV. Traffic and Parking

- A.** A student is expected to abide by University traffic and parking regulations.
 - 1. The official University traffic/parking regulations are detailed online and in a brochure that is available in the parking services/University ID office located in University Police, 1st Floor of Biever Hall.
- B.** The Loyola Department of University Police and its Officers have the right and responsibility to issue traffic and parking citations to individuals and/or vehicles that are in violation of University policies.
- C.** Vehicle access to the Loyola University campus is not restricted. However, parking permits are required 24 hours a day, every day of the year, for campus parking privileges.
- D.** Parking permits are not transferable to other vehicles or students.
- E.** Everyone purchasing a permit or pass is responsible for obtaining the complete list of University traffic/parking regulations at the time of purchase.
- F.** Students are parking at their own risk on Loyola's campus.

XXXV. Verbal or Physical Aggression

A student is prohibited from any verbal or non-verbal comment or physical action, which could inflict or seriously threaten injury or harm to a person.

XXXVI. Visitation

- A.** A guest is allowed in the residence halls only during published visitation hours and only while being escorted by a residential host.

All First-Year students are given 24-hour, same-sex, guest and host visitation privileges. Opposite-sex guest and host visitation hours are as follows:

- a. **Sunday – Thursday: 10 a.m. – Midnight**
- b. **Friday – Saturday: 10 a.m. – 2 a.m.**
- c. **Eve of Holidays: 10 a.m. – 2 a.m.**

University Holidays with extended visitation are Labor Day, Fall Break, Martin Luther King, Jr. Day, and Independence Day.

- B.** All non-First-Year students are allowed 24-hour same- and opposite-sex visitation privileges.
- C.** All guests, resident and non-resident, must be met at the front desk and checked in by Residential Life staff during desk hours.
- D.** All guests must be escorted by their hosts at all times.
- E.** Each room may have up to three overnight occupants, including residents, staying at one time.
- F.** A guest may stay in the building for up to three nights in one week, and not in two consecutive weeks.
- G.** Due to the influx of visitors to the area, and in attempts to heighten security during such a busy time, all visitation privileges for all on-campus residence are suspended during Mardi Gras Celebrations, starting on the Friday before and ending the Wednesday after Fat Tuesday. Special visitation regulations apply during this period which greatly restricts the number of guests allowed in the residence halls.
- H.** The following constitute **Minor Visitation Violations:**
1. Improper registration of guests (checking in and checking out).
 2. A host failing to escort his/her guest.
 3. Opposite-sex, first-year hosts and/or guests remaining in the residence halls within 20 minutes after the end of visitation hours.
- I.** The following constitute **Major Visitation Violations:**
1. Opposite-sex, first-year hosts and/or guests remaining in the residence halls more than 20 minutes after the end of visitation hours.

XXXVII. Conduct Unbecoming

Responsible individual behavior is a basic expectation. Such behavior must stem from a recognition of and basic concern and respect for dignity, rights, and sensibilities of others. Therefore any social behavior which might offend these rights, sensibilities, and dignity is clearly inappropriate and will subject a student to discipline.

Section 4: Discipline Policies and Procedures

I. Due Process

In order to protect the rights of the student and to guarantee procedural fairness in all disciplinary hearings, guidelines for the conduct of a disciplinary hearing have been established.

- A.** The fault for which a student is subject to sanctioning is a violation of University policy. It is evident that the University is not obligated to promulgate the civil law.
- B.** The accused student is informed of their right to have the alleged violation of University policy adjudicated by an appropriate hearing board or officer.
- C.** The accused student must be informed in writing for the reasons for the disciplinary action in sufficient detail and in ample time that they may have an opportunity to prepare a defense for the disciplinary hearing.
- D.** The accused student has the right to be assumed not responsible until proven responsible. The burden of proof must rest upon the member of the university community bringing the charge.
- E.** The accused student has the right not to have irrelevant past history discussed during the hearing. Only relevant information dealing with the incident should be introduced at the hearing.
- F.** The accused student must be given an opportunity to testify and to present information and witnesses. The student shall have the right to question any witness brought before the judicial hearing officer(s) or hearing board to offer evidence and will be given a copy of any written statement presented by witnesses who have been granted anonymity.
- G.** All matters upon which a decision might be based must be introduced into evidence during the proceedings. The decision should be based upon such evidence. Only relevant information dealing with the incident should be presented as evidence at the hearing.
- H.** In the absence of a transcript, there should be a tape recording or video of the hearing. The University has the responsibility of recording the hearing. No other recordings of the hearing will be allowed. The record of the hearing is the property of the University. If the student is found responsible of the violations(s), and wishes to listen or watch the tape or video recording prior to writing an appeal, the student and the student's advisor may listen or watch the recording in the Student Affairs Office. No copies of the recording will be released. This process assists in preserving the confidentiality of the disciplinary process. The record is to be preserved by the office of the Vice President for Student Affairs and Associate Provost until final disposition of the case.
- I.** The accused student in a hearing may have an advisor.
- J.** The accused student who is found responsible of the allegations either through their own admission or by decision of the disciplinary or appellate body has the right to establish the existence of mitigating circumstances through their own testimony and that of witnesses the student produces who are competent to testify to and have personal knowledge of the circumstances.

- K. The accused student is informed, in writing, of their right to appeal the decision of any disciplinary body or hearing officer.

II. University Conduct Officer

- A. The Conduct Officer's role ensures the due process of students, groups, and/or student organizations, ensures that rights and responsibilities are upheld, and advises the hearing officer(s) and board(s).
- B. The Conduct Officer will develop procedures for the administration of the conduct system and procedural rules for the conduct of hearing boards, consistent with provisions of the *Code of Conduct* and university policy.
- C. The Conduct Officer shall monitor all judicial proceedings to ensure consistency with University policy.
- D. The Conduct Officer shall work with all members of the university judicial system to review the policies and procedures.
- E. The Conduct Officer shall coordinate any necessary assessment of the judicial system.
- F. The Vice President for Student Affairs and Associate Provost, along with the Conduct Officer, shall make the determination as to which hearing board an alleged *Code of Conduct* policy violation will be sent.

III. Hearing Boards

The University has established three hearing boards that may convene and conduct judicial proceedings: administrative hearing, the Student Government Association (SGA) Court of Review of Review, or the University Board of Review.

A. Administrative Hearing

1. An Administrative Hearing is held between the accused student(s) and a hearing officer(s).
2. The hearing officer(s) may levy appropriate sanctions consistent with *Code of Conduct* and university policy and the offense under consideration.
3. Decisions are final and sanctions implemented pending the appeal process.

B. Student Government Association Court of Review

1. The SGA Court of Review may hear alleged *Code of Conduct* violations that involve infractions impacting the quality of student life.
2. The SGA Court of Review may hear all complaints of alleged policy violations from the beginning of the final student orientation session in fall through the last day of classes in the spring semester. The University Conduct Officer or other hearing officer shall conduct all hearings when the SGA Court of Review is not in session.
3. The SGA Court of Review may recommend appropriate sanctions consistent with the *Code of Conduct* and university policy and the offense under consideration. Recommendations are to be sent for

approval to the Vice President for Student Affairs and Associate Provost.

4. Once approved, decisions are final and sanctions implemented after the appellate process concludes. All appeals of the SGA Court of Review decisions and/or sanctions will be heard by the University Board of Appeals.
5. The SGA Court of Review consists of nine (9) students including a Chief Justice.
 - a. All members must submit an application and participate in an interview process that is jointly coordinated by the Student Government Association. All appointments are for one academic year without term limits.
 - b. Interview team chooses students to be nominated to SGA Court of Review. SGA President nominates chosen students to the SGA Court of Review. SGA Senate approves nominated students to the SGA Court of Review.
 - c. Students with at least one year of experience on the SGA Court of Review or University Board of Review can apply to be the SGA Court Chief Justice. Exceptions may occur, depending on the pool of SGA Justice Applicants. The Chief Justice schedules the court members, participates in training for court members, and works collaboratively with administrative staff in the Department of Residential Life and University Conduct Officer.
6. Hearings on alleged policy violations shall be conducted by a panel of at least five persons, including the Chief Justice.
7. The SGA Court of Review is advised by the advised by the University Conduct Officer or designee.
8. The SGA Court of Review shall make suggested modifications to both policy and sanctions to the appropriate jurisdiction.

C. University Board of Review

1. The Board of Review may hear alleged *Code of Conduct* violations that involve infractions impacting the quality of university life.
2. The Board of Review may hear complaints of alleged policy violations from the beginning of the orientation session in the fall through the last day of classes in the spring semester. When necessary, the Board of Review will be called into special session.
3. The Board of Review is able to recommend any appropriate sanction consistent with the *Code of Conduct* and university policy and the offense under consideration. Recommendations are to be sent for approval to the Vice President for Student Affairs and Associate Provost.
4. Once approved, decisions are final and sanctions implemented after the appellate process concludes. All appeals of Board of Review decisions and/or sanctions will be heard by the University Board of Appeals.

5. The University Board of Review shall have the following membership:
 - a. The Student Government Association will appoint eight students, one male and one female resident (from different residence halls) and six students from the student body at large.
 - b. The University Senate will appoint eight faculty members.
 - c. The Vice President for Student Affairs and Associate Provost will appoint eight members of administration.
6. All members serve two-year terms.
7. The Vice President for Student Affairs and Associate Provost are not eligible for membership.
8. Hearings on alleged policy violations shall be conducted by a panel of at least five persons, including the chair.
 - a. The Board of Review panel must have representatives present from all three constituencies, with a maximum number of three students, administrators, or faculty members present for the hearing.
 - b. In cases involving sexual misconduct allegations, the Board of Review panel will include a maximum of three administrators, and three faculty members present for a hearing.
9. The Board of Review is advised by the University Conduct Officer or designee.
10. The board is encouraged to submit suggested modifications to policy to the appropriate jurisdiction.

IV. Code of Ethics

- A.** All boards must be fair and impartial. Each delegate must cultivate a sensibility, which will result in an unbiased outcome of the proceedings. In order to facilitate this standard, the following guidelines have been established.
- B.** Board members and administrative officers are committed to ensuring that the intent and meaning of the *Code* will be carried out on all occasions.
- C.** The name, status, and alleged offense of any student must not be discussed with anyone other than appropriate institutional personnel. Except as required by law, the content of any judicial body deliberations or the vote on any case must not be disclosed. However, the University reserves the right to comment upon disciplinary matters if disclosed by the principal(s) in a hearing. A general listing of offenses may be made public, so long as the privacy rights of individual students are protected.
- D.** The board as a whole body must consider each case. No substitution of a board member is possible once a hearing has started. Also, if a member is absent, they may not participate further in the deliberations of the board.
- E.** If a member is biased according to the definition in the *Code of Conduct*, they must disqualify themselves before the commencement of the hearing. The board member's right to this privilege is absolute and may not be questioned.

- F. No member may serve on more than a single disciplinary board at any given time, thereby ensuring that there is no conflict of interest.

V. Criteria for Selection of Board Members

- A. All appointments of students to the University-level disciplinary boards are subject to the conditions specified in the code of ethics and general operating procedures that govern disciplinary boards.
- B. Student board members are to have sufficient available time to responsibly perform as a student representative.
- C. Maturity.
- D. Board members are not to be prejudiced either for or against persons or University policy.
- E. Board members are to be fair-minded.
- F. Board members will be familiar with the University and its procedures.
- G. Students appointed to the University disciplinary boards may not be found responsible in a judicial proceeding in the nine months prior to appointment.

VI. General Operating Procedures of Disciplinary and Appellate Boards

- A. Each board is to select a chair from within its own membership (with voting authority) and any other officers deemed necessary for the operation of the board.
- B. No member of a hearing or appellate board who has previously participated in a particular case shall sit in judgment on that case.
- C. No one may serve as a member of more than one hearing board at a given time.
- D. Charges based on alleged *Code* violations may be brought against any student by any member of the Loyola community.
- E. All decisions of a hearing or appellate board are submitted to the Vice President for Student Affairs and Associate Provost in the form of a written recommendation.
- F. Written summary records will be made of every disciplinary or appellate hearing and will be sent to the Vice President for Student Affairs and Associate Provost. The University Board of Review and SGA Court of Review must provide the Vice President for Student Affairs and Associate Provost with a DVD video or digital audio recording of the hearing which will be maintained until the final disposition of the case.
- G. All meetings of hearing and appellate boards are confidential and closed to the general public. Dates and times of disciplinary hearings are not made public. Hearing and appellate board panel members are not made public. A written record of those serving on a disciplinary hearing or appellate board review will be placed in the student's disciplinary file upon completion of the hearing and/or review.
- H. All appellate cases are conducted as a review, not as a new hearing.
- I. A quorum for the Board of Review will be five members and the Board of Appeals will be four members.

- J. All decisions of hearing and appellate boards are based upon the majority vote of the members present, with all constituencies represented. All board members must vote yes or no on all motions.

VII. Procedures for Original Hearings

A. Prior to the Hearing

1. The student will be notified, in writing, about the alleged *Code of Conduct* violation and which hearing board they will go before. The written notification shall include the type, date, time, and location of the hearing.
2. The student shall be afforded a Due Process meeting with the University Conduct Officer.

B. Hearing

1. At the beginning of a hearing, all participants shall introduce themselves. The chair reviews the role of the advisor if applicable, explains of the reasoning for the tape or video recording, and reviews the procedures to be followed. No witnesses are to be present at this time.
2. The hearing officer reads the incident report(s).
3. The student charged with the offense will be asked to enter a plea. The plea choices are:
 - a. Responsible
 - b. Not Responsible
4. If the plea is responsible, the student can establish and identify circumstances that are mitigating. In the eventuality the student pleads not responsible and is found responsible, an opportunity will be given to establish mitigating circumstances prior to the decision on sanction. Mitigating circumstances are unusual circumstances that may be considered an extenuating factor for warranting the reduction of the degree of responsibility.
5. The accused student and complainant student (if present) will have the opportunity to make an opening statement not to exceed 10 minutes in length.
6. The following information is provided to serve as a guide to the hearing officer and/or hearing board conducting the hearing:
 - a. The student(s) with alleged violation(s) may be questioned before and/or after witness testimony.
 - b. Witnesses will be asked for their testimony individually. A witness who is the victim has the right to be present throughout the hearing, but not during the deliberation of the hearing officer or board of review. Please see Victim's Rights for a complete description.
7. Following witness statements, hearing participants will be allowed to question statements, seek clarifications, and engage in conversation directed toward establishing the facts and motives operating in the incident under examination.

8. The entire testimony of the hearing, including witness statements and discussion among hearing participants will not exceed 60 minutes unless the hearing officer deems an extension is necessary.
9. Following the conversation, principal participants will make closing statements not to exceed five minutes each.
10. The hearing will be recessed and the hearing officer and/or hearing board will consider the information presented in the hearing and decide on the responsibility of the student. Deliberations are not recorded.
11. The hearing will be reconvened. The board or hearing officer will announce the decision on responsibility.
12. The hearing concludes and students/advisors are dismissed so that the board or hearing officer may formulate recommended sanctions. No recording of deliberations shall occur.
13. In cases where there are mitigating circumstances, the hearing officer and/or hearing board will take the circumstances into consideration during sanctioning.
14. The announcement of recommended sanction can, but need not, occur at the conclusion of an administrative hearing or at the conclusion of a board hearing. In both cases the student will be informed in writing of the outcome of the hearing and, if responsible, the sanction(s) imposed.
15. The student is to be informed within approximately three working days of the outcome of the hearing and the sanction(s) imposed.
16. When the Vice President for Student Affairs and Associate Provost serves as hearing officer, the Vice President will have the option of announcing the sanction prior to the conclusion of the hearing. If so, the hearing will conclude following the sanction statement.

VIII. Notification of Outcome of Hearing

- A. Normally within three working days, the student charged will be informed in writing and by email of the decision of the hearing and the sanction administered if responsibility is established.
- B. In all student and student organization cases, the appropriate university officials will be notified of the outcome of the hearing.
- C. It is to be clearly understood that this is confidential information and is not to be shared with anyone other than the principals except in the case of suspension where appropriate University officials and/or parents are also notified.

IX. Disciplinary Advisor

- A. An advisor must be a current full-time faculty, staff, or religious university community member.
 1. Parent(s) may be present in a hearing but may not participate as an advisor, speak, ask questions, or otherwise disrupt the hearing procedure.

2. Attorneys, alumni, and/or those who have no official affiliation with the University cannot serve as advisors.
 3. Current faculty or staff cannot act as advisors to their own sons/daughters.
- B.** The advisor's role in the hearing is to personally advise the student. The advisor cannot speak for the student, ask any questions, and/or make presentations or comments.
- C.** Attorneys are not allowed to be present during the disciplinary hearing.
- D.** Should the advisor violate the role as outlined in the *Code of Conduct* and/or behave in a manner that disrupts the hearing process, the advisor will immediately be removed from the hearing.
- E.** Removing an advisor who violates the role of the advisor will not be considered grounds for an appeal.

X. Responsibilities of Hearing Participants

- A.** A student appearing at a disciplinary hearing have the responsibility to present truthful information.
- B.** A student is required to appear as a witness at a formal disciplinary hearing if their presence is requested. A witness is not required to submit a written statement. Should a witness be unable to attend a hearing, the witness in lieu of personal testimony may submit a written statement.
- C.** If a student fails to attend a scheduled hearing, the hearing may proceed in the absence of the student. Such an absence will not be considered grounds for an appeal, unless the student provides a reasonable and compelling excuse.

XI. Victim/Complainant Rights

- A.** The complainant has the right to be present throughout the hearing, but not during the deliberation of the hearing officer or hearing board.
- B.** The complainant has the right to present testimony at the hearing and request that witness(es) attend the hearing.
- C.** The complainant has the right to have an advisor present at the hearing.
- D.** The complainant has the right not to have irrelevant past history discussed during the hearing. Only relevant information dealing with the incident should be introduced at the hearing.
- E.** In accordance with the Student-Right-to-Know and Campus Security Act, the University may choose to inform the complainant of the outcome of the hearing based on one or both reasons:
1. If a violation by its nature involves risk of physical force against the person or destruction of property of another in the course of committing the offense.
 2. That possible threatened or attempted aggression may be used against the victim or property prior to the hearing or after it has been held.

- F. In accordance with FERPA and the Clery Act, the complainant in a sexual misconduct incident has an absolute right to be informed of the outcome and sanctions of the hearing, in writing, without condition or limitation.
- G. The university may release information to the complainant, but complainants are cautioned that FERPA does not permit them to re-release this information to others.
- H. The complainant may not share this information with any other person without the signed, written consent of the student found in violation of the sexual aggression policy.

XII. Procedures Pertaining to Anonymity

- A. Due process article five provides for the granting of anonymity to witnesses when it is necessary. The following procedures have been implemented to enact this provision.
- B. Anonymity will be granted:
 - 1. When there is reasonable cause to believe that the safety of the witness is in jeopardy
 - 2. The witness would be subject to intense harassment
- C. Upon request of the witness, the designee of the Vice President for Student Affairs and Associate Provost will thoroughly investigate the incident and make a recommendation on the granting of anonymity, subject to the concurrence and approval of the hearing board chair, hearing officer, or University Conduct Officer.
- D. Any statements of an anonymous witness will be given to the accused student at the time such statements are introduced into evidence at the hearing.
- E. The accused student may then challenge the statement and present questions to be answered by the anonymous person in a manner to be determined by the hearing authority.

XIII. Administrative Separation Directive

- A. The Administrative Separation Directive shall prohibit named students from contacting, emailing, telephoning, or otherwise disturbing each other. In situations where the Vice President for Student Affairs and Associate Provost or their designee has reason to believe that an alleged violation of harassment, or a physical and/or sexual nature may have occurred on campus 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)). Normally, the duration of the directive will be noted on the administrative action. Should the situation result in University disciplinary action, the administrative action will continue concurrently.
- B. An Administrative Separation Directive from the Student Affairs Office may not be considered without the student first filing a written complaint with University Police. This is an administrative action only and is directed

toward behavior occurring only on Loyola University Main and/or Broadway campuses.

- C. 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.
- D. 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.
- E. A student seeking a Protective and/or Restraining Order from the city or state can receive assistance in the process by contacting University Police.

XIV. Judicial Appeals

A. Jurisdiction of the Board of Appeals

1. The University Board of Appeals is authorized to receive all appeals of disciplinary decisions from the University Board of Review, the SGA Judicial Board or hearing officers.
2. The Board of Appeals shall have the following membership:
 - a. The Student Government Association will appoint four students.
 - b. The University Senate will appoint four faculty members.
 - c. The vice president for student affairs and associate provost will appoint four members.
3. Disciplinary appeals shall be conducted by a panel of at least four members, including the chair (who is chosen by the membership) and a maximum of six members. The Board of Appeals panel must have representatives present from all three constituencies. In cases involving sexual misconduct, the Board of Appeals panel will include faculty and staff representatives.
4. Members serving on the Board of Appeals will hold a two-year term of office.
5. Members will not serve consecutive terms on the Board of Appeals.

B. Appeals Process

1. A student or organization found responsible for violating the *Code of Conduct* may appeal the final, approved decision of any of the University's hearing boards, or hearing officers.
2. A statement citing the basis for appeal, as well as supporting statements for the basis, must be submitted in writing to the Office of the Vice President for Student Affairs and Associate Provost within five working days following notification of the outcome of the original hearing.
3. The review of the appeal will *normally* occur within seven working days of a student filing an appeal. An extension of the preparation period or the date of the appellate review may be granted, upon

request, by the Vice President for Student Affairs and Associate Provost.

4. An appeal must be based upon one of the reasons provided under **Section 4: Discipline Policies and Procedures, XIV, C., Basis of Appeal** of the *Code of Conduct*.
5. While the appeals process is being conducted, the student who appealed should attend classes and participate in co-curricular activities.
6. Once the appellate process has been completed, whether through an appellate decision or the expiration of time to file an appeal, the outcome is final and all sanctions go immediately into effect.

C. Basis of Appeal

An appeal must be based upon one or more of the following reasons:

1. **Bias:** Bias is a predisposition toward an issue or person which makes it impossible for the board member or hearing officer to remain neutral. It is incumbent upon the person alleging bias to demonstrate concretely both predisposition and the inability of the board member or hearing officer to remain neutral in the conduct of the hearing or the determination of its outcome.
2. **New Evidence:** New evidence is information or material which was not known at the time of the original hearing. The student is expected to demonstrate that such evidence was not known. Evidence which was known and which the student chose not to present does not constitute a sound basis of appeal. In those cases where new evidence becomes known after the period of filing for an appeal has expired, and reasonable grounds for an appeal seem substantial, access to the appellate process may be granted by the Vice President for Student Affairs and Associate Provost.
3. **Disregard for Rights:** A student's rights in the disciplinary process are defined under **Section 2: Student Rights and Freedoms**, and **Section 4: Discipline Policies and Procedures, I. Due Process** of the *Code of Conduct*.
4. **Inappropriateness of the Sanction:** A sanction is inappropriate if it exceeds the maximum stated penalty. Although severity of the sanction, in and of itself, does not constitute a sound basis of appeal, a sanction is inappropriate if it does not reflect a proper alignment between the nature of the offense, the student's previous disciplinary record, other factors which should be considered, and the sanction administered. Because these multiple factors are incorporated in each individual disciplinary decision, previous decisions do not establish precedent in University disciplinary hearings. In those cases where the appellate board believes the original hearing board or officer made a substantial misjudgment of the severity of the incident or the student's record and, in turn, the sanction administered, the appellate board may make its own recommendations.

D. Procedures of the Appellate Review

1. The written statement of appeal submitted by the student will be forwarded to the Board of Appeals, or other appellate body, for a preliminary review. Upon completing the preliminary review, the Board of Appeals, or other university official with appellate jurisdiction, is required to take one of the following courses of action:
 - a. The appellate board may refuse to consider the case for appeal when less than a majority of the entire board believes the appeal is justifiable and of merit. The student will be notified in writing by the advisor of the Board of Appeals of the board's decision. The appeals process is now completed. No further appeal is accepted.
 - b. The appellate board may accept the appeal for a full review. An appellate hearing will be granted when at least a majority of the entire membership of the body decides that there is sufficient likelihood that one of the reasons upon which an appeal can be based can be proven.
2. Upon completion of the full review, the board must elect one of the following courses of action:
 - a. Sustain the decision of the hearing board or hearing officer.
 - b. Refer the case back to the original hearing board or hearing officer for a rehearing when they believe sufficient new information exists to warrant that the case be reconsidered in light of this information, or when an individual board member acted with bias.
 - c. Make their own recommendations when the board believes that the original board as a whole or an administrative hearing officer acted with bias or there was a prejudicial disregard of the student's rights as defined in the Student Rights, Freedoms, and Responsibilities document or the *Code of Conduct*. Inappropriate sanctions which exceed the maximum stated sanction are procedural concerns and as such should be returned to the original hearing board or officer for remedy. The appellate board is empowered to make recommendations in those cases where they believe the sanction is inappropriate, either by being too harsh or too lenient. Once formulated, the recommendations of the appellate board are returned to the original board or hearing officer for reconsideration. If the appellate board's recommendations are accepted, the appeal will be considered complete. If the original board or hearing officer does not wish to accept the appellate board's recommendations, both the original sanction and the appellate recommendations are forwarded to the Vice President for Student Affairs and Associate Provost for final determination when the sanction is less than suspension or dismissal and to

the President for determination when the sanction is suspension or dismissal. If the original hearing officer is the Vice President for Student Affairs and Associate Provost and the Vice President does not wish to accept the recommendation of the appellate board, then in cases where the original sanction is less than suspension or dismissal, the original sanction imposed by the Vice President will stand. In cases where the original sanction imposed is suspension or dismissal and the Vice President for Student Affairs and Associate Provost does not accept the recommendation of the appellate board, then both the original decision and the recommendation of the appellate board are forwarded to the President for final determination.

3. In cases where decisions of the Vice President for Student Affairs and Associate Provost's designee are being appealed, the Vice President for Student Affairs and Associate Provost will advise the appellate board.
4. The advisor shall sit in on all Board of Appeals proceedings to enable the proper procedures to be administered and assure compliance with guidelines set forth in the *Code of Conduct*. The advisor is a non-voting member of the Board of Appeals.
 - o Recommendations of the Board of Appeals where the imposed sanction will be suspension or dismissal are forwarded to the President for final review and disposition.

XV. Sanctions for Violations of the *Code of Conduct*

For violation of the *Code of Conduct*, a student or organization may receive one or more of the sanctions below in accordance with the stated policy and the student's or organization's past record of behavior.

A. Conduct Reprimand

Written warning to the student or organization indicating they have violated *Code of Conduct* policies. It further warns that if a student or organization is found in further violation of the *Code of Conduct*, within a specified period of time, there may be grounds for more severe disciplinary action.

B. Disciplinary Probation

Temporary suspension of a student or organizations good standing in the University for stated period of time as set forth in the judicial sanction letter. If a student or organization is found responsible for violating the terms of disciplinary probation during the period set up by the preceding judicial body, there may be grounds for more severe disciplinary action, including immediate suspension. At the end of the probationary period, the student or organization will be returned to good standing providing that all the terms of the probation has been successfully completed. The student or organization remains enrolled/chartered in the University but under the stated conditions

of the probationary status, as outlined in the letter of disciplinary probation. A loss of privileges may occur. A letter may be written to the parents, guardians, advisors, or national office of the student/organization explaining the terms of the probationary period.

C. Disciplinary Suspension

Disciplinary Suspension establishes a fixed period of time during which the student or organization may not participate in any academic or other activity of the University.

In cases of individual student discipline, this means that the student is physically separated from the University and must leave the campus and remain off campus during the period of suspension, unless they return for official business related to applying for readmission. Parents or guardians of a dependent student are informed of the disciplinary suspension of a student. A student that is suspended during a semester will forfeit all tuition, fees, housing, and food services monies. A grade of W will be entered into the student's academic transcript for all courses enrolled in during that semester. At the end of the suspension period, the person may be returned to good standing in the university and may apply for readmission. Academic credit received at another University during the specified period of the suspension is not transferable to Loyola University. The office of the Vice President for Student Affairs and Associate Provost must clear all students for admission who have been suspended from the University for disciplinary reasons. Disciplinary suspension is entered on the student's student personal (non-academic) file for a period of five years from the date of the imposition of the sanction.

In cases of organizational discipline, *disciplinary suspension* is equivalent to student organization charter suspension. This means that an organization has no legal basis for operating on campus or at off-campus university-sponsored events, for recruiting members, or for promoting the organization, its identity, or its activities. Suspension of charter for a period of time under stated conditions means that organizations must adhere to sanction requirements or face delay of reinstatement or permanent charter revocation for repeated non-adherence to sanction conditions. Additional conditions may be imposed requiring the organization to perform or refrain from certain actions.

D. Disciplinary Dismissal

Disciplinary Dismissal establishes a permanent termination of student or organizational status.

In cases of individual student discipline, parents or guardians are informed of all actions of dismissal, and the fact that a student has been dismissed becomes a permanent part of the student's personal, (non-academic) file. A

student that is dismissed during a semester will forfeit all tuition, fees, housing, and food services monies. A grade of W will be entered into the student's academic transcript for all courses enrolled in during that semester.

In cases of organizational discipline, *disciplinary dismissal* is equivalent to the permanent termination of the organizations charter. This means that an organization has no legal basis for operating on campus or at off-campus university-sponsored events, for recruiting members, or for promoting the organization, its identity, or its activities. Termination of charter is a permanent disciplinary sanction.

E. Residence Hall Suspension

Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

F. Residence Hall Dismissal

Permanent separation of the student from the residence hall both as a resident or visitor.

G. Fines and Other Fees

1. **Alcohol and/or Illegal Drugs:** Violation of the *Alcohol* and/or *Illegal Drug* policies will result in fines up to and including **\$500**.
2. **Drug Testing Kit:** Items found on-campus that are suspected of being illegal drugs will be subject to a chemical test at the Loyola University Police Department. If the items test positive for illegal drugs, and the involved student is found responsible for violating the *Illegal Drug* policy, the student will be fined for the cost of the test. If more than one student is found responsible for violating the *Illegal Drug* policy in the same situation, the Conduct Officer, hearing officer, or hearing board will decide what student(s) will be fined.
3. **Procedural:** If a student does not complete the sanction(s) given by a hearing officer or board by a stated date, a reminder notice will be sent to the student. The notice will remind the student of all sanctions and dates by which to comply. Failure to complete any of these sanctions after receipt of the reminder notice will result in a procedural fine of **no less than \$50** per sanction assessed to the student. The student may also be restricted from registering or receiving transcripts until all sanctions are completed.
4. **Restitution:** Compensation for damage to or misappropriation of property. Compensation for a grievance caused to members of the University community may take the form of reimbursement or any appropriate positive action which the disciplinary body or administrative hearing officer shall deem germane to the violation.

5. **Tulane Emergency Medical Service (TEMS) Transport Fee:** If a TEMS staff member determines that a student is under the influence of drugs or alcohol must go to the hospital for an evaluation and/or treatment, the student must accept the transport. For this service, the student's account will be billed \$200 as a reimbursement to Loyola University New Orleans.

H. Other Penalties

Discipline boards and administrative hearing officers are not limited to the sanctions listed, but may impose sanctions of a less severe nature which bear a reasonable relation to the fault for which the sanction is imposed. Other sanctions may include but are not limited to attendance at substance abuse counseling, testing and group education, research papers, community service, required activities, fines, restriction or loss of privileges, counseling evaluations, and work assignments.

Section 5: Sexual Misconduct, Discrimination, and Harassment Policy and Guidelines

I. Sexual Misconduct

Sexual misconduct in any form is prohibited. Sexual assault and sexual battery are both considered crimes of violence. Louisiana law defines rape as any anal, oral, or vaginal intercourse committed without lawful consent due to force, alcohol, narcotics, or unsoundness of mind. A person's conduct may violate Loyola University New Orleans definition of sexual misconduct while not violating Louisiana law.

- A. Effective, lawful consent does not exist when a party has an abnormal condition of mind produced by any cause including but not limited to the ingestion of alcohol or drugs. There can be no effective, legal consent when a party knows or should know of an impairment of the other party's capacity to give knowing and completely voluntary consent.
- B. Both partners must be equally free to act. The option must exist to change "yes" to "no" at any point in intimacy. Sexual activity may be deemed to be non-consensual if determined that coercion existed, meaning that each involved person was not afforded the option to choose whether or not to become, and continue to be, intimate with another.
- C. Both partners must clearly communicate their willingness and permission. **Consent is not the absence of the word "no"**. Sexual activity may be deemed to be non-consensual if determined an individual did not display obvious and unmistakable communication of wishing to become intimate with another.

II. Sexual Misconduct Definitions: Sexual Assault, Sexual Battery, Relationship Violence, Sexual Harassment, and Sexual Verbal Abuse

A. Sexual Assault and Sexual Battery

Any sexual behavior including sexual intercourse or attempted intercourse that is against the will of another or the intentional placing of another in reasonable apprehension of receiving unwanted sexual contact. The definition applies regardless of whether the assailant is a stranger or an acquaintance. Examples include, but are not limited to, forced insertion, oral copulation, rape by foreign object, and sodomy. The unwanted touching of an intimate part of another person, such as a sexual organ, buttocks, or breast.

B. Relationship Violence

Abusive behavior, including threats, verbal and/or emotional abuse, and physical assault between persons in an intimate and/or sexual relationship.

C. Sexual Harassment

Sexual Harassment may occur within a variety of relationships. These relationships may or may not involve unequal authority. Allegations of sexual harassment will be scrutinized, regardless of the relationship of a complainant to an alleged offender. Sexual harassment is sexual advances, requests for sexual favors, and/or other verbal or physical conduct or communication of a sexual nature when:

1. Sexual submission is made a term or condition explicitly or implicitly of obtaining employment, services, or education.
2. Sexual submission is used as a factor in decisions affecting an individual's employment, services, or education.
3. Sexual conduct or communication is of such a nature that it creates an intimidating, hostile, or offensive employment, service, or educational environment.

D. Sexual Verbal Abuse

Language that is sexual in nature and unwanted on the part of another person. Examples include, but are not limited to, obscene telephone calls and use of written and/or oral communication which would be considered obscene.

III. Sexual Harassment Policy

- A.** Sexual harassment in any form is prohibited under this policy. Sexual harassment is a form of discrimination and is unlawful under Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972. According to these statutes, sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment or educational decisions or such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or learning environment."

1. Sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:
 2. Is made explicitly or implicitly a term or condition of employment or education, or
 3. Is used as a basis for an employment or educational decision, or
 4. Unreasonably interferes with an employee or student's work performance, or creates an intimidating, hostile, or otherwise offensive environment.
- B. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome and that is personally offensive, and therefore interferes with work or learning effectiveness.
- C. Sexual harassment may take different forms. Examples of conduct that may constitute sexual harassment are:
 1. Verbal: Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats, requests for any type of sexual favor (this includes repeated, unwelcome requests for dates), and verbal abuse or "kidding" which is oriented towards a prohibitive form of harassment, including that which is sex oriented and considered unwelcome.
 2. Non-verbal: The distribution, display, or discussion of any written or graphic material, including images, posters, and cartoons that are sexually suggestive, or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, that is sexual in nature.
 3. Physical: Unwelcome, unwanted physical contact, including but not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, and/or fondling; forced sexual intercourse or assault.
- D. Courteous, mutually respectful, non-coercive interactions between employees and/or students that are acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

IV. Three forms of Sexual Harassment

A. Quid pro quo harassment

Where submission to harassment is used as the basis for employment or educational decisions. *Quid pro quo* harassment occurs when employee benefits such as raises, promotions, working hours, etc., or student benefits such as grades, assignments, recommendations, etc., are directly linked to

compliance with sexual advances. Therefore, only someone with the authority to grant such benefits can engage in *quid pro quo* harassment. *Example:* A supervisor promising or implying a raise to an employee if she goes on a date with him; a professor telling or suggesting to a student he will not get a recommendation for graduate school if he does not go out with her.

B. Hostile environment

Where the harassment creates an offensive and unpleasant working or learning environment. Hostile environment can be created by anyone in the work or learning environment, whether it is supervisors, fellow employees, professors, students, or outside contractors. Hostile environment harassment consists of language of a sexual nature, unwelcome sexual materials, or unwelcome physical contact as a regular part of the work environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

C. Gender-based hostility

Where an individual or individuals are harassed because of their gender.

V. Discrimination and Harassment Policy and Guidelines

Loyola University New Orleans strives to create and maintain a working and learning environment in which people are treated with dignity, decency, and respect. The environment of the University should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. Employees and students should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to the mission of the University. For that reason, Loyola will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and through education of employees and students, Loyola will seek to prevent, correct, and, when necessary, sanction behavior that violates this policy.

All employees and students, regardless of their position, are covered by and are expected to comply with this policy, and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee or student who violates this policy.

Any Loyola faculty member who is found to have engaged in conduct prohibited under this policy is subject to disciplinary action according to the procedures in the *Faculty Handbook*. Any Loyola staff member who is found to have engaged in conduct prohibited under this policy is subject to disciplinary action according to the procedures in the *Human Resources Policies and Procedures Manual*. Any Loyola student who is found to have engaged in conduct prohibited under this policy is subject to disciplinary action according to the procedures in the *Code of Conduct*.

A. Discrimination

1. It is a violation of this policy to discriminate in the provision of employment or educational opportunities, to create discriminatory work or learning conditions, or to use discriminatory evaluative standards if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, sex, national origin, age, religion, disability status, military/veteran status, or sexual orientation.
2. Discrimination of this kind is also prohibited by a variety of federal, state, and local laws, including Title VII of the Civil Rights Act 1964; Title IX of the Educational Amendments of 1972; the Age Discrimination in Employment Act of 1975; the Americans With Disabilities Act of 1990; the Family and Medical Leave Act; the Equal Pay Act, and Louisiana discrimination statutes.
3. Discrimination in violation of this policy will be subject to severe sanctions up to and including termination of employment.

B. Harassment

1. Harassment, including sexual harassment, is prohibited by federal and state laws. This policy prohibits harassment, and Loyola will take appropriate action to swiftly address any unlawful harassment. Harassment is defined as verbal or physical conduct that has as its effect to threaten, intimidate, or coerce. Also included are verbal taunting (including racial and ethnic slurs) which, in the employee's or the student's opinion, impairs his or her ability to perform his or her job or studies.
2. Examples of inappropriate conduct are:
 - a. Verbal: Insulting comments, epithets, slurs or negative stereotyping regarding a person's nationality, origin, race, color, religion, age, gender, sexual orientation, disability, or other protected status.
 - b. Non-verbal: Distribution or display of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, disability, or other protected status.

C. Bias-Related Behavior

Actions or expressions which may cause violent situations, create a clear and present danger of violent situations, or which represent an attempt to demean, degrade, or harass members of the University community. Such actions would include, but are not limited to, acts of violence, physical, and/or non-verbal threats, harassment, slurs, degrading humor, and written materials such as epithets, graffiti, or other similar expression.

D. What those who are harassed should do:

1. Loyola wants to stop inappropriate behavior, especially before it becomes a violation of law. The university cannot solve a problem of which it is not aware. Report inappropriate behavior.
2. Review the complaint procedure set forth in this document.

3. Contact the Director of Human Resources to file a complaint against an employee—faculty or staff. If the director of human resources is unavailable, or if a student is uncomfortable reporting to the Director of Human Resources, the student may report to the alternate—Vice President for Administration and Finance.
4. Contact the Vice President for Student Affairs and Associate Provost to initiate a complaint against a student. If the Vice President for Student Affairs and Associate Provost is unavailable, or if a student feels uncomfortable reporting to the Vice President for Student Affairs and Associate Provost, the student may report to the alternate—the Director for Residential Life. The Vice President for Student Affairs and Associate Provost or their alternate may request that the student meet with the investigator for University Police to file a written report.
5. The complainant (the employee or student making the complaint) may use the Harassment/Discrimination Reporting Form or other written form of communication, or may file a complaint in person with the appropriate party referenced above.
 - o *Note: It is not a prerequisite for filing a complaint with the university that a student first confronts the alleged violator.*

II. Procedures for Reporting Harassment, Sexual Harassment, Discrimination, or Sexual Misconduct

A. Observation of Discrimination or Harassment

If a student becomes aware of discrimination or harassment, either from personal observation or as a result of an employee or student coming forward, the student should immediately report it to the Director of Human Resources or alternate (faculty or staff alleged violator) or the Vice President for Student Affairs and Associate Provost or alternate (student alleged violator).

B. Options Available for Students after a Sexual Misconduct Incident

1. Report to LUPD

- a. Report to LUPD and press charges - NOPD will then be called.
 - i. After NOPD is called a uniformed officer will arrive to speak with the victim.
 - ii. The uniformed officer will call a sex crimes detective who will then take the lead on the case.
- b. Report to LUPD and do not press charges.
 - i. LUPD will ask if the victim would like to speak with a female officer.
 - ii. LUPD will ask the victim if they would like to have a counselor called from the University Counseling Center.
- c. Report to LUPD anonymously without providing personal information.

2. Receive an Exam

- a. Students who allegedly have been sexually assaulted should not shower, bathe, brush their teeth, or change clothes until they have been medically examined. This is necessary to preserve evidence.
- b. Victim can receive a **free** medical exam at The Medical Center of Louisiana at New Orleans, located on 2021 Perdido Street off Tulane Avenue (1-800-256-2311).
 - i. Sexual Assault Nurse Examiners (SANE) Available.
 - ii. Only facility in the metro area that offers forensic exams.
 - iii. Can obtain exam regardless of whether or not assault is reported.
 - iv. Options for exam.
 - Evidence collection (sent to NOPD, preserved for 30 days)
 - Medical exam without evidence collection
 - v. Option to have medical advocate called from Metropolitan Center for Women and Children.

3. Pursue Loyola University Judicial Action *

- a. Victim may pursue university judicial action if the accused individual is also a Loyola student.
 - After filing a judicial report with LUPD, contact the Office of Student Affairs at 504-865-3030.
- b. The Loyola University Board of Review will review all incident reports any supplemental materials or statements in a formal judicial hearing.
 - As judicial “complainant”, the victim may be present at his or her discretion to provide testimony. Anonymity may be granted for complainants and/or other witnesses. **
- c. The Board of Review will deliberate on all evidence and make decisions about the responsibility of the accused student in a hearing.

**This process is not related to and is independent of any criminal proceedings in a court of law.*

***Refer to “Victim/Complainant Rights” and “Procedures for Anonymity” in the Student Code of Conduct.*

4. Receive Support

- a. *Campus Support:*
 - i. University Counseling Center: (504) 865-3835
 - Receive confidential individual counseling, consultation, and/or advocacy.
 - ii. University Ministry: (504) 865-3226
 - iii. Student Health Services: (504) 865-3326
 - iv. Women’s Resource Center: (504) 865-7880
- b. *Community Support:*
 - i. RAINN (Rape, Abuse & Incest National Network)
 - 1-800-656-4673

- <http://www.rainn.org>
- ii. Metropolitan Center for Women and Children
 - (504) 837-5400
 - <http://www.metrobatteredwomen.com>

5. Note to professors

There are many choices facing a victim after a sexual assault. The diagram above provides basic information regarding these choices. These options do not have to be conducted in any particular order and can happen at any point after a sexual assault. It may be helpful to emphasize to victims that all decisions are the choice of the victim, and they can discuss options with a counselor at the University Counseling Center (UCC) as requested. For further information please do not hesitate to call the UCC at (504) 865-3835.

6. Academic/Living Situation Assistance

Students wishing assistance in their academic or living situations after an alleged sexual assault incident should contact the Vice President for Student Affairs and Associate Provost for referral to the appropriate person. Assistance will be given if requested by the student and if such changes are reasonably available.

C. Special Reporting Situations

1. Allegations of discrimination or harassment by the director of human resources should be reported to the Vice President for Finance and Administration. Allegations of discrimination or harassment by a Vice President should be reported to the President.
2. Allegations of discrimination or harassment by the President should be reported to the chair of the Board of Trustees.
3. Any person using the complaint resolution procedure will be treated courteously, the problem handled swiftly and as confidentially as feasible in light of the need to take appropriate corrective action, and the registering of a complaint will in no way be used against the employee or student, nor will it have an adverse impact on the individual's employment or educational status.
4. While reporting such incidents can be a difficult personal experience, allowing discrimination or harassment activities to continue will most certainly lead to less desirable outcomes. For that reason, employees and students are required to follow these procedures. However, filing groundless and malicious complaints is an abuse of this policy and is prohibited.

D. Responsibilities

All Loyola employees and students must share the responsibility of understanding and preventing discrimination and harassment. Ultimately, no satisfactory

investigation or resolution of complaints can occur without the initiative and continued cooperation of the complainant.

E. Support Services for Students

1. University Police officers will use all reasonable means to protect the victim and prevent further violence. In addition, University Police officers will assist in obtaining medical treatment as well as giving the victim immediate and adequate written notice of the rights of the victim and of the remedies and services available.
2. Counseling is also available for victims of domestic violence through the Counseling Center, University Ministry, and by referral to off-campus agencies.

F. Educational Programs

Educational programs to promote the awareness of sexual assault, acquaintance rape, and other sex offenses are offered periodically throughout the academic year through the Counseling Center.

TELL SOMEONE: All Calls are CONFIDENTIAL	
Loyola University Police Department:	865-3434
University Counseling Center:	865-3835
SARA (Sexual Assault Recovery Assistance Center):	837-5400