

## POLICIES

### STUDENT CODE OF CONDUCT 2009-2010

#### **ARTICLE I: PURPOSE**

Southeastern Louisiana University, in pursuit of its educational mission, seeks to teach student's citizenship, to value others, and respect for community. The University affirms that students, upon enrollment, do not lose the rights of, nor are they exempted from, fulfilling the obligations and duties of citizens. Students have the responsibility to familiarize themselves with the Student Code of Conduct and with University policies including, but not limited to, those pertaining to harassment, computer use, and academic dishonesty and traffic regulations. Students are expected to conduct themselves in a manner which supports the educational mission and functions of the University, as well as to comply with all federal, state, and local laws, and all applicable University policies.

#### **ARTICLE II: DEFINITIONS**

The following definitions apply to terms and or phrases used in Southeastern's Student Code of Conduct:

- A.** The term "University" means Southeastern Louisiana University.
- B.** The term "student" includes all persons taking courses at the University, both full time and part-time, pursuing undergraduate, graduate, or professional studies. Also included are those who attend post-secondary educational institutions other than Southeastern Louisiana University and who reside in University residence halls. This Student Code also applies to all persons taking courses at satellite locations of the University.
- C.** The term "organization" and/or "student organization" means any number of persons who have complied with the formal requirements for University recognition. These terms are interchangeable with the term "student" as it relates to all areas of the Student Code of Conduct unless otherwise stated. In other words, student organizations will be held responsible for abiding by the Student Code of Conduct as if they were individual students and are subject to all regulations and sanctions herein stated.
- D.** The term "faculty member" means any person hired by the University to conduct classroom or academic activities.
- E.** The term "staff member" means any person hired by the University to work and/or perform administrative or other responsibilities.
- F.** The term "University official" includes any person employed by the University, performing assigned administrative or professional responsibilities.
- G.** The term "member of the University community" includes any person who is a student, faculty member, staff member, University official or any other person employed by or associated with the University. A person's status in a particular situation shall be determined by the Vice President of Student Affairs or the Chief Student Conduct Officer.
- H.** The term "University premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets and sidewalks), either on the main campus or at satellite sites.
- I.** The term "Chief Student Conduct Officer" means that person designated by the Vice President of Student Affairs who is primarily responsible for administration of the

Student Code of Conduct. The Chief Student Conduct Officer serves as a Hearing Officer and a Hearing Board Advisor and designates others to do so as needed. Nothing shall prevent the Vice President of Student Affairs from authorizing the Chief Student Conduct Officer from imposing sanctions in all cases.

**J.** The term “Assistant Director of Office of Student Conduct (OSC)” means that person designated by the Vice President of Student Affairs and reports to the Chief Student Conduct Officer who is responsible for administration of the Student Code of Conduct. The Assistant Director of OSC serves as a Hearing Officer and a Hearing Board Advisor and designates others to do so as needed. Nothing shall prevent the Vice President of Student Affairs from authorizing the Assistant Director of OSC from imposing sanctions in all cases.

**K.** The term “Residential Conduct Officer” means that person who is primarily responsible for administration of the Student Code of Conduct as it applies to residents who are involved in incidents which occur within the facilities which do not rise to the level of possible expulsion or suspension from the University. The Residential Conduct Officer serves as a Hearing Officer and a Hearing Board Advisor and designates others to do so as needed.

**L.** The term “Hearing Board Advisor” means the professional staff person designated by the Vice President of Student Affairs, the Chief Student Conduct Officer or the Assistant Director of OSC who serves in an advisory capacity to a hearing board.

**M.** The term “hearing body” means any person or persons authorized by the Vice President of Student Affairs, the Chief Student Conduct Officer, or the Assistant Director of OSC to determine whether a student has violated the Student Code of Conduct. There are two types of hearing bodies: (1) a Hearing Officer, and; (2) a Hearing Board.

1. The term “Hearing Officer” or “Administrative Hearing Officer” means a University official authorized to administer the Student Code of Conduct, its corresponding administrative procedures, and to impose sanctions upon students found to have violated the Student Code of Conduct. Examples of Hearing Officers include, but are not limited to, the Chief Student Conduct Officer, the Assistant Director of OSC and the Residential Conduct Officer.

2. Hearing Boards include:

a. Student Conduct Hearing Board: A committee of students and faculty and/or staff members who hear discipline cases. This hearing board is authorized to determine whether a student and/or a student organization has violated the Student Code of Conduct and to recommend the imposition of sanctions.

b. Administrative Hearing Board: A group of faculty and/or staff who are appointed by the Vice President of Student Affairs, the Chief Student Conduct Officer, or designee to serve as hearing body. The board consists of at least two but no more than four members and a chairperson (who votes only in case of a tie). An Administrative Hearing Board may be used in cases including, but not limited to those involving: scheduling difficulties, such as when a hearing is scheduled between academic semesters or during final examination periods; the sensitive nature of an incident, such as cases of alleged sexual harassment where a party involved is concerned with issues of confidentiality, and/or; other cases where the Vice President of Student Affairs, the Chief Student Conduct Officer or designee determines an administrative hearing is appropriate to the incident.

**N.** The term “Mediator” means a University official authorized on a case-by-case basis

by the Vice President of Student Affairs, the Chief Student Conduct Officer or designee to conduct an alternative dispute resolution process in cases where both parties agree to work to resolve an incident in a setting less formal than a hearing.

**O.** The term “Complainant” means any member of the University community who submits a charge alleging that a student violated this Student Code. When a student believes that he or she has been a victim of another student’s misconduct, the student who believes he or she has been a victim will have the same rights under this Student Code as are provided to the Complainant, even if another member of the University community submitted the charge itself.

**P.** The term “Respondent” means any student accused of violating this Student Code.

**Q.** The term “Administrative Discipline Conference” or “Discipline Conference” means a meeting between the student and the appropriate hearing officer. At that conference the Student Code of Conduct and applicable administrative procedures are discussed.

**R.** The term “shall” is used in the imperative/mandatory sense.

**S.** The term “may” is used in the permissive sense.

**T.** The term “policy” is defined as the written regulations of the University as found in, but not limited to, the Student Code of Conduct, Residential Life Handbook, and University Catalog. The term includes, but is not limited to, the University Alcohol and Drug Policy, Sexual/Racial Harassment Policy, Computer Use Policy, Traffic Regulations and Student Organizations/Greek Life Policies and Procedures Manual.

**U.** The term “cheating” includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic materials belonging to a member of the University faculty or staff; (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion; (5) and/or other violations as defined by University policies.

**V.** The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes stealing and passing off the ideas and/or words of another as one’s own; using a created production without crediting the source; the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials; and/or other violations as defined by University policies.

### **ARTICLE III: CONDUCT AUTHORITY**

**A.** The Chief Student Conduct Officer, the Assistant Director of OSC or the Residential Conduct Officer shall determine the composition of hearing bodies.

**B.** The Vice President of Student Affairs, Chief Student Conduct Officer, the Assistant Director of OSC and the Residential Conduct Officer shall develop policies for the administration of the conduct program and procedural rules for the conduct of hearings which are consistent with provisions of the Student Code of Conduct.

**C.** An Administrative Hearing Officer and/or a Hearing Board determines if a student or student organization is responsible for a breach of the Student Code of Conduct and any other University policy regarding student behavior. Hearing Boards recommend sanctions

to the Hearing Board Advisor or the Chief Student Conduct Officer, the Assistant Director of OSC or the Residential Conduct Officer. The only authority who can determine sanctions (as opposed to recommending those sanctions) is a Hearing Officer, Hearing Board Advisor, the Chief Student Conduct Officer, and the Assistant Director of OSC, the Residential Conduct Officer and/or the administrator who hears the appeal.

**D.** As a rule, all incidents which may result in suspension or expulsion from the University or a residential facility will be referred, after an initial disciplinary conference, to a Student Conduct Hearing Board or an Administrative Hearing Board. However, should the accused take responsibility for the alleged violation and choose not to proceed to a hearing board or panel, the Vice President of Student Affairs, the Chief Student Conduct Officer, the Assistant Director of OSC, or designee may choose to honor the request. The request must be in writing and signed by the respondent.

**E.** Decisions made by a hearing board and/or hearing officer shall be final, pending normal appeal procedures.

**F.** After an initial contact with an administrative hearing officer, a mediator may be designated as arbitrator of a dispute within the campus community in cases where both parties agree to this alternative resolution. Both parties must agree to mediation and to be bound by the decision with no right of appeal. If the parties do not uphold the mediated agreement; if the parties do not appear at the designated mediation session; or, if the incident cannot be resolved in the mediation, the case may be resolved through a hearing.

## **ARTICLE IV: PROSCRIBED CONDUCT**

### **A. Jurisdiction of the University**

Generally, University jurisdiction and discipline shall be limited to conduct which occurs on University premises, at University sponsored activities, or off-campus conduct that adversely affects the University Community and/or has a detrimental impact on the University's educational function.

### **B. Conduct - Standards and Regulations**

The following list represents a summary of categories of misconduct:

- Acts of dishonesty
- Disorderly conduct
- Violence to persons
- Sexual abuse/assault
- Endangering physical well-being
- Use of drugs
- Use of alcohol
- Abuse of property
- Trespassing
- Possession of weapons
- Possession of explosives
- Computer use abuses
- Interference with Safety Regulations
- Violation of published policies
- Violation of federal, state, local law
- Failure to comply
- Abuse of the campus discipline system

Any student found to have committed an act of misconduct, including but not limited to the following illustrations of misconduct, is subject to the disciplinary sanctions outlined in Article VI, Part D:

#### **1. Acts of dishonesty, including but not limited to:**

- a. Cheating, plagiarism, or other forms of academic dishonesty;
- b. Furnishing false information to any University official, faculty/staff member or office;
- c. Forgery, alteration, unauthorized possession, or misuse of University documents,

records, or instruments of identification. This includes faculty materials related to the educational process;

d. Tampering with the election of any University-recognized student organization or University-recognized event;

e. Fraudulently writing checks to the University on a closed account or on accounts with insufficient funds.

**2. Disorderly conduct, including but not limited to:**

a. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, University activities, including public-service functions on or off campus, or other authorized University activities;

b. Participation in a campus demonstration which disrupts the operations of the University and infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with or obstructs freedom of movement, either pedestrian or vehicular, on campus;

c. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions;

d. Interfering with the duties of a student, faculty/staff member or university official;

e. Bringing a guest, including but not limited to family members and children, to a classroom, laboratory, or official class activities without the prior authorization of the faculty member in charge of the class or facility.

f. Withholding information vital to any investigation carried out by an authorized agent of the University;

g. Creating excessive noise which interferes with the normal operations of the University or which interferes with another's right to sleep, study, or have solitude and/or violates Residential Facilities Quiet Hours.

h. Conduct which is disorderly, lewd, or indecent, a breach of peace, or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in, by the University;

i. Malfeasance or misuse of elective or appointive office in a Student Organization or misrepresentation of oneself, causing detriment to the organization, its members or the welfare of the University community.

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

**3. Violence to persons and offenses of abuse, including but not limited to:**

a. Engaging in, attempting, or intending to engage in, any form of physical abuse injurious to oneself, to another or to a group of people;

b. Threatening, intimidating, coercing, harassing, or using physical force in a manner which causes another person to be reasonably apprehensive or which endangers the health or safety of oneself or another person;

c. Engaging in, attempting or intending to engage in, any form of verbal or mental abuse, threats, intimidation, harassment, and/or coercion which is directed toward another person or group of people and which creates an intimidating or offensive academic, work,

or campus environment; such behavior includes, but is not limited to, abuse or harassment involving the use of telecommunications and/or computer equipment and stalking;

d. Hazing, defined as participating in an act which is degrading or injurious, an act in which another is held against his/her will, or an act which endangers the mental or physical health or safety of a student; or which destroys or removes public or private property for the purpose of initiation, admission to, affiliation with, or as a condition for continued membership in a group or organization. (Refer to: Hazing Policy in the Student Handbook)

**4. Sexual harassment, abuse, and/or assault, including but not limited to:**

a. Committing any sexual act, including but not limited to sexual intercourse, against another person which forces, attempts to force, and/or acts against another person's will to engage in sexual activity; such offenses include, but are not limited to acts committed when the victim is incapable of giving consent or when the act is committed in an unlawful, forcible, non-forcible or coercive manner;

b. Illicit, illegal, lewd, indecent, or obscene conduct; such behavior includes, but is not limited to conduct involving the use of telecommunications and/or computer equipment;

c. Unsolicited and unwelcome sexual overtures or conduct verbal, physical, or written;

d. Any other violation of the University's policy on Sexual Harassment. Refer to the Student Handbook or to the University web site at:

<http://www.selu.edu/stulife/handbook/harassment.htm>

**5. Endangering another's or one's own physical well-being, including, but not limited to:**

a. Endangering another's or one's own physical well-being, including, but not limited to, riding bicycles, skateboards, roller blades, paintball games/wars, and/or kicking or playing ball unsafely and/or in unauthorized areas on campus;

b. Compromising the security of a residence hall or other university facility, (e.g. propping open outside doors, or unauthorized access to others), thereby endangering the safety and welfare of oneself, the building occupants and/or their property;

c. Unsafe operation of a motor vehicle on campus;

d. Endangering one's own physical well-being, including but not limited to attempting or threatening suicide. (Refer to: Endangering one's own Physical Well Being or Disrupting the Community policy in the Student Handbook.)

**6. Use of drugs, including but not limited to:**

a. Use, consumption, possession, manufacture, furnishing, procuring, purchasing, sale, and/or distribution of illicit drugs, narcotics, or other controlled substances, including marijuana, except as expressly permitted by law;

b. Use, possession, manufacture, purchase, sale, furnishing and/or distribution of drug paraphernalia;

c. Operating or attempting to operate a motor vehicle while under the influence of drugs.

**7. Use of alcohol, including but not limited to:**

a. Use, consumption, possession, manufacture, purchasing, sale, furnishing and/or distribution of alcoholic beverages on University property, or at any of its activities (whether on or off-campus), except as expressly permitted by University regulations and the law;

- b. Use, consumption, possession and/or purchasing of alcoholic beverages by persons under twenty-one (21) years of age either through action or inaction;
- c. Furnishing, serving, and/or otherwise providing alcoholic beverages to persons under twenty-one (21) years of age;
- d. Operating or attempting to operate a motor vehicle while under the influence of alcohol;
- e. Public intoxication on University property;
- f. Failure to properly register events involving alcohol, as required by the University Alcohol and Drug Policy; Refer to the Student Handbook or to the University web site at: <http://www.selu.edu/stulife/handbook/alcohol.htm>
- g. Other violations as noted in the University Alcohol and Drug Policy.

**8. Abuse of University property or private property, including but not limited to:**

- a. Attempted or actual theft of property;
- b. Unauthorized possession of property;
- c. Attempted or actual destruction of property;
- d. Malicious misuse of, damaging, and/or vandalizing property;
- e. Unauthorized possession, duplication, or use of keys to any University premises;
- f. Unauthorized use of University premises.

**9. Trespassing, including but not limited to:**

- a. Unauthorized presence on, in, or within any building or property owned or operated by the University (including residence halls);
- b. Unauthorized visitation in a University residence hall including violations of established open house and/or closing hours.

**10. Unauthorized possession or use of weapons, including but not limited to:**

- a. Illegal or unauthorized possession, use, or threatening the use of firearms, knives, blades, other weapons, or dangerous chemicals;
- b. Possession of any weapon, including but not limited to, guns, and other firearms and knives with blades longer than five inches, on University property;
- c. Other violations in weapon policy. Refer to: Board of Supervisors of the University of Louisiana System Policies and Procedures at: [http://www.selu.edu/Academics/Provost/uls\\_rules/chapter\\_ii.htm](http://www.selu.edu/Academics/Provost/uls_rules/chapter_ii.htm)

**11. Possession or use of explosives, including but not limited to:**

- a. Possession, use, or threatening the use of explosives, bombs or incendiary devices, except as required for classroom instruction;
- b. Possession, use, or threatening the use of ammunition, fireworks and/or firecrackers without official University permission.

**12. Abuse of computers and other technology, including but not limited to:**

- a. Unauthorized entry into a file, to use, read or change the contents, or for any other purpose;
- b. Unauthorized transfer of a file;
- c. Misrepresentation of self or a student organization through computer or electronic means;
- d. Unauthorized use of another individual's identification and/or password;
- e. Use of computing facilities to interfere with the work of another member of the University community;
- f. Use of computing facilities to send obscene or abusive messages;

g. Use of computing facilities to interfere with normal operation of the University computing system;

h. Other violations as noted in the University policy on computer use.

<http://www.selu.edu/policies/responsible.htm>

**13. Interfering with safety regulations, emergency evacuations, and/or equipment, including but not limited to:**

a. Failing to leave a building or area during emergency evacuation, and/or hindering another's exit during an alarm or evacuation;

b. Tampering, or attempting to tamper with fire/safety equipment (e.g., emergency phones, fire alarms, smoke detectors, fire hoses, fire extinguishers or emergency lighting equipment);

c. Intentionally starting or attempting to start a fire unless approved for academic purposes by the Vice President of Student Affairs or designee;

d. Causing a fire on campus because of negligence;

e. Possessing flammable liquids, burning candles, oil lamps, incense or other flammable items or substances that produce an offensive odor, in any building owned by the University, except as required for classroom instruction;

f. Smoking in areas where "No Smoking" signs are posted or where smoking is otherwise prohibited. Smoking in lobbies, hallways, meeting rooms, class rooms, or other public building areas is prohibited unless "smoking permitted" signs are posted

g. Failing to park bicycles in designated bike areas in the residence halls. Leaving or parking bicycles in student rooms, and/or residence hall walkways and hallways is expressly prohibited;

h. Possession and/or use of any equipment not approved for use in your residential facility.

**14. Violation of other published University policies, rules, or regulations including, but not limited to, the University Sexual/Racial Harassment Policy, the University Drug and Alcohol Policy, Computer Use Policy, Traffic Regulations, policies contained in the University Catalog, publications of residential facilities (handbooks, leases, notices, etc.), and Student Organizations/Greek Life Policies and Procedures Manual.**

**15. Violation of federal, state, and/or local laws.**

**16. Failure to comply with the directions of a University official in the performance of his/her duties, including but not limited to:**

a. Failing to identify one's self when requested to do so by a faculty/staff member or University official;

b. Failure to respond to a disciplinary conference and/or a hearing summons;

c. Failing to follow through or complete any sanction given by a hearing body or University official;

d. Failure to meet financial obligations incurred by the student to the University.

**17. Abuse of the Campus Discipline System, including but not limited to:**

a. Attempting to discourage an individual's proper participation in, or use of, the campus discipline system;

b. Falsification, distortion or misrepresentation of information before a hearing body;

c. Disruption or interference with the orderly conduct of a campus disciplinary proceeding;

- d. Knowingly initiating campus discipline procedures without cause;
- e. Attempting to influence the impartiality of a member of a hearing body prior to, and/or during the course of a campus disciplinary proceeding;
- f. Harassment (verbal or physical) and/or intimidation of a member of a hearing body prior to, during, and/or after a campus disciplinary proceeding;
- g. Influencing or attempting to influence another person to commit an abuse of the campus discipline system.

### **C. Violation of Law and University Discipline**

1. If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of this code, disciplinary action may be taken and sanctions imposed for grave misconduct which has a detrimental impact on the University's educational function;
2. When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding before a hearing body under the Student Code of Conduct, however, the University may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters will be handled internally within the University community. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty/staff members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.
3. The University is considered a Quiet Zone. All volume on vehicle stereos should be turned down according to the stipulations of the City Noise Ordinance.

### **ARTICLE V: STUDENT RIGHTS**

The University affirms the following student rights and privileges in disciplinary proceedings:

- A. To be informed of the Student Code of Conduct and its corresponding procedures;
- B. To petition for redress of a grievance arising from an incident which violates University policy and/or the Student Code of Conduct. Any member of the University community may file a discipline charge or complaint against a student when that person believes the student has violated any University policy;
- C. To receive notice of any alleged violations of University policy and/or breaches of the Student Code of Conduct;
- D. To have the benefit of an opportunity to be heard by an impartial Hearing Board or Hearing Officer in addressing an allegation/s of a violation of University policy;
- E. To have an advisor, including an attorney, present in a disciplinary conference and/or hearing. Advisors may not participate directly in a disciplinary conference and/or hearing process nor may an advisor address any participant in the disciplinary conference and/or hearing process other than the student the advisor represents;
- F. To examine evidence to be used against him or her;
- G. To view the list of witnesses against him or her at the administrative discipline conference or prior to a hearing in front of a hearing board.

## **ARTICLE VI: DISCIPLINARY PROCEDURES**

### **A. Charges**

1. Complaints of misconduct against a student may be filed by any member of the University community. Complaints shall be prepared in writing and directed to the Office of Student Conduct, or, in violations occurring in the University residential facilities, to the Residential Conduct Officer or designee. In the disciplinary hearing, the complainant (person filing charges) bears the burden of proof. Persons considering filing complaints are encouraged to arrange for a meeting with a Conduct Officer prior to filing complaints to discuss filing and hearing procedures.

a. The written complaints should include:

1. Full name, local address, and phone numbers of the complainant, accused, and witnesses, (and whenever possible, "W" numbers);
2. The specific conduct standard, policy, and/or rule allegedly violated (this may be determined by the conduct officer);
3. The date, time, location and persons involved in the incident under investigation;
4. A brief narrative of the incident describing what occurred;
5. Copies of pertinent witness statements, police and/or housing reports, along with a list of any other physical evidence (photographs, written documents, items, etc.), to be presented at the hearing; and,
6. Signature of complainant and date charges were filed.

b. Complaints should be submitted as soon as possible after the incident, preferably within five (5) working days. Barring unusual or extenuating circumstances, charges will not be accepted for incidents which occurred more than 30 working days prior to filing.

2. Students may not avoid campus disciplinary action by withdrawing from the University. Any complaints/charges pending when a student leaves the University must be properly disposed of prior to releasing the student's records or the matter may be adjudicated without the respondent being present. Students who receive a disciplinary sanction involving separation from the University, and/or University housing are reminded that the University's normal refund policy will apply.

3. The Hearing Officer may conduct an investigation to determine if the complaint has merit and/or if the complaint can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Hearing Officer.

### **B. Preliminary Administrative Disciplinary Conference**

1. Upon receipt of a properly filed complaint, a staff member of the appropriate conduct official shall notify the accused student by e-mail, regular mail or hand delivery that proceedings have been initiated. The letter indicates a scheduled meeting time with a Hearing Officer, or directs the student to schedule a preliminary/administrative discipline conference within a specified amount of time. The letter also lists the alleged violation with which the student is being charged. Failure to comply with this directive may result in a full hearing board being scheduled.

2. The purpose of the preliminary administrative disciplinary conference is to provide the student an opportunity to review the alleged offense/s with the Hearing Officer, to examine evidence, to discuss the Student Code of Conduct and the discipline process. Students who do not have a copy of the Student Code of Conduct will be given one in this preliminary meeting. Further, the student and the Hearing Officer will determine if the matter can be resolved through mutual agreement, including, but not limited to, the

charges/complaints being rendered null and void; an administrative agreement being signed which indicates the student assumes responsibility for a violation/s of the Student Code of Conduct; or, a referral to mediation.

If at the administrative disciplinary conference, the respondent assumes responsibility for an infraction, the student may sign an administrative agreement and waive any further proceedings and/or appeals. If the complaint cannot be disposed of by mutual consent, the matter will be referred to a hearing involving a Student Conduct Hearing Board, or an Administrative Hearing Board, or a Hearing Board Advisor. The Hearing Officer may later serve in the same matter.

### **C. Hearings involving a Hearing Board**

In cases which cannot be resolved in an Administrative Disciplinary Conference, and in those incidents which rise to the level of expulsion or suspension from the University or a University residential facility, the matter will be referred to a Student Conduct Hearing Board, or an Administrative Hearing Board. Hearings involving a hearing board are designed for both the complainant and respondent to present their accounts of an incident.

1. The accused student shall be given written notice of the hearing to inform him/her of the specific charge(s), of his/her rights as a student, and the date, time, and location of the hearing.

a. Generally, a time set for a hearing will be no fewer than two nor more than 15 working days after the student has been notified of the hearing. However, due to the nature of the academic year, if the incident occurs close to the end of a semester, or if the appropriate hearing body cannot be scheduled, the student's case will be heard as soon as a hearing can be scheduled.

b. Maximum time limits for scheduling hearings may be extended at the discretion of the Vice President of Student Affairs, the Chief Student Conduct Officer, and the Assistant Director of OSC and or the Residential Conduct Officer.

c. Notice shall be sent/delivered to the last local address identified on the student's official records, and shall be considered delivered two working days after the letter has been posted.

d. Students are responsible for notifying the University of their current addresses. Address changes must be made through the Office of Records and Registration. Failure to notify the University of the current local address, to collect one's mail from one's address, and/or to receive or sign for a discipline mailing does not void the fact that a notice was delivered.

e. Hand delivered notices are considered to be delivered on the date they are given to the student.

2. The purpose of a disciplinary hearing is to determine if the accused student is responsible for violating one or more standards of the Student Code of Conduct, and to recommend any appropriate sanctions. A student is presumed to be not responsible until proven responsible in a disciplinary hearing. The burden of proof shall rest on the complainant.

#### **3. Order of the Hearing**

The hearing is structured such that the discussion proceeds in an orderly manner. Below is the order that the hearing follows:

- The reading of the complaint/charges by the hearing chairperson;
- The entering of pleas by each respondent.

-There are four pleas: Responsible, Not Responsible, No Plea, which indicates that the student does not know whether or not she/he is responsible, or means the student is unwilling to say and is allowing the Board to decide, and a Responsible Plea Option, in which case the respondent admits responsibility for the infraction and the Hearing Board Advisor may choose to forego further process and proceed to closing statements.

- Statement of complainant and introduction of evidence;
- Questioning by the respondent and the Board and or the Hearing Board Advisor;
- Statement of the respondent and introduction of evidence;
- Questioning by the complainant and the Board, and the Hearing Board Advisor;
- Statement of the complainant's witnesses, followed by respondent's questions, and, then those of the Board and or the Hearing Board Advisor;
- Statements of the respondent's witnesses, followed by complainant's questions, and, then those of the Board, and or the Hearing Board Advisor;
- Additional questions by the Board, and or the Hearing Board Advisor, complainant, and/or respondent;
- Closing statements, first by the complainant and then by the respondent;
- Deliberation of the Board;
- Recommendation of the Board to the advisor;
- Notification of the decision and, if necessary, sanctions. Delivery of the notice may be by hand or through the mail.

a. Closing statements shall be specific to the incident involved and may include any reiteration of previously stated facts, written statements of character by a third party, and/or any other comments involving the case. Closing statements are the final opportunity for the respondent and the complainant to provide any additional information which will facilitate the Board's decision, including recommendations for sanctions. Closing statements may be limited to a specified time constraint at the Board and or the Hearing Board Advisor's discretion.

4. A hearing before a Hearing Board shall be conducted according to the following guidelines:

a. Hearings normally shall be conducted in private. Only the hearing body/officer, respondent, complainant, their designated advisors, and persons identified with the University community as having an educational need to know, may be present for the beginning of the hearing. Each witness will be called into the hearing individually to give testimony. Subject to the approval of the Hearing Board Advisor and the parties involved, an observer may be admitted, but shall not have the privilege of participating in the hearing. Written requests for a waiver of rights to a private hearing, along with proper documented approval from all parties outlined above, must be submitted to the Chief Student Conduct Officer, the Assistant Director of OSC, or the Residential Conduct Officer at least 48 hours prior to the hearing. Admission of any person to the hearing shall be at the discretion of the hearing body and/or the Hearing Board Advisor. Only the hearing body/officer and persons identified with the University community as having an educational need to know may be present during deliberations.

b. In hearings involving more than one respondent student, the Hearing Board Advisor, at his or her discretion, may permit the hearing concerning each student to be conducted separately.

c. The complainant and the respondent have the right to be assisted by any advisor they

choose, at their own expense. The complainant and the respondent are responsible for presenting their own cases and; therefore, advisors are not permitted to speak or to participate directly in any hearing before a hearing body. Written notification of the name and relationship of an advisor to the complainant or respondent must be submitted to the Hearing Board Advisor at least 24 hours prior to the hearing.

d. The complainant, the respondent and the hearing body shall have the privilege of presenting witnesses, subject to questioning.

e. Respondent students have the right to remain silent, although present, at disciplinary hearings. They may refuse to answer any question or questions and shall participate in the remainder of the hearing. Remaining silent or refusing to answer questions shall not be construed as an admission of responsibility, or used against the student.

f. Statements given in disciplinary hearings are confidential in nature and may not be discussed outside of the hearing and/or discipline process.

g. Lying or intentionally misleading the Board/Hearing Officer will not be tolerated, and may be referred for disciplinary action.

h. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by a hearing body at the discretion of the chairperson and/or the Hearing Board Advisor.

i. All procedural questions are subject to the final decision of the chairperson of the hearing body and/or the Hearing Board Advisor.

j. After the hearing, the hearing body shall determine (by majority vote if the hearing body consists of more than one person) whether the student violated each section of the Student Code of Conduct the student is charged with violating. Hearing body deliberations to determine responsibility shall be conducted in confidential, closed sessions, as are any sanctioning portions.

k. The hearing body's determination of responsibility shall be made if a preponderance of the information, that is, the facts and information, presented in the hearing are such that the hearing officer or hearing board finds it more likely than not that the respondent is responsible for the offense as charged.

l. Strict rules of evidence do not apply at campus disciplinary hearings. Although first hand testimony is preferable, written statements, hearsay testimony and other evidence are allowed, subject to the discretion of the hearing chair and/or Hearing Board Advisor.

m. Following the final decision of the hearing body, the respondent, will be informed of the determination and recommended sanction, if any, within ten business days. In cases of sexual assault and/or physical violence, the complainant shall also be informed of the determination.

5. There shall be a record, usually an audio tape recording, of all hearings before a Hearing Board. Deliberations shall not be recorded. The official hearing record will be a transcription of the audio tape recording. An official hearing record may be made at the expense of the appellant. Students are cautioned that information contained in official hearing records is strictly confidential, and should only be used in matters of campus appeals. The record shall be the property of the University.

6. The Hearing Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video

conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Chief Student Conduct Officer to be appropriate.

7. Except in the case of a student charged with failing to obey the summons of a hearing body or University official, no student may be found to have violated the Student Code of Conduct solely because the student failed to appear before a hearing body. In all cases, the evidence in support of the complainant(s) charge(s) shall be presented and considered, whether or not the respondent is present.

8. Refer to the specific policy for further details of other University policies.

#### **D. Sanctions**

1. The following sanctions, individually or in combination, may be imposed upon any student found to have violated the Student Code of Conduct

a. Admonition - a note in writing to the student stating that the student has violated institutional regulations and that future misconduct of any nature will be dealt with more stringently.

b. Loss of Privileges - removal of specified privileges for a designated period of time, including but not limited to, loss of privileges such as living in university-owned housing, room/hall selection, open house, visitation, party registration, guest registration, holding elective or appointive office, pledging or initiation into campus organizations, and/or having motor vehicles, stereos or other equipment on campus. When the designated time period ends, the student is eligible for reinstatement of privileges; however, conditions for reinstatement may be specified in the original sanction.

c. Administrative Assessment - the student or group may be assessed an administrative assessment in punitive damages. If assessed, the following shall apply:

Admonition & warning.....	\$50.00
Warning probation.....	\$100.00
Disciplinary probation.....	\$150.00
Repeat Offenses.....	Doubled

d. Restitution - compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

e. Discretionary Sanctions:

1. Notification of parents and/or guardians;
2. Counseling conference(s);
3. Evaluation by a member of the University Counseling Center or by a licensed mental health professional based on the review by a member of the University Counseling Center;
4. Residence hall transfers and/or service to the university, the local community, or other related discretionary assignments;
5. Written assignments or projects.

f. Warning - a written reprimand for violation of specified regulations. Warning is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the warning period.

g. University Disciplinary Probation - final warning status and a written reprimand for violation of specified regulations. University Disciplinary Probation removes a student from good disciplinary standing for a designated period of time and places the student on final warning status. If the student is found to be in violation of any institutional

regulation(s), particularly during the probationary period, separation from the institution may occur.

h. Residence Hall Probation - final warning status and a written reprimand for violation of specified regulations. Residence Hall Probation removes a student from good disciplinary standing within the residence halls for a designated period of time and places the student on final warning status. If the student is found to be in violation of any institutional regulation(s), particularly during the probationary period, separation from the residence halls may occur.

i. 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. Suspended students are restricted from visiting or entering any residential facility operated by the University during the period of separation. When separated from the residence halls, students should be aware that they may forfeit their residence hall deposits and fees subject to any refund policies. Students should direct all inquiries in this matter to the Office of Student Housing.

j. Residence Hall Expulsion - permanent separation of the student from the residence halls. Expelled students are restricted from visiting or entering any residential facility operated by the University during the period of expulsion.

k. Disciplinary Suspension - involuntary separation of the student from the University for a definite period of time after which the student is eligible to return assuming no intervening serious misconduct has occurred and any prerequisite conditions for readmission have been met. The student is placed on Disciplinary Probation for the first semester following return to the University. Conditions for readmission may be specified. Students who are involuntarily separated from the University are restricted from visiting or entering Southeastern Louisiana University premises for the period during which their sanction is in effect without advance written authorization from the Chief Student Conduct Officer. A hold may be placed on the ability to register and or the records of students involuntarily separated from the University for the period of separation.

l. Disciplinary Dismissal - involuntary separation of the student from the University for a definite period of time after which the student may apply for readmission. There is no guarantee of readmission. Conditions for consideration of readmission may be specified. Consideration of readmission must be addressed to the Chief Student Conduct Officer and will not be considered for at least one calendar year beginning with the date of dismissal. The burden of proof lies with the student. Students who are involuntarily separated from the University are restricted from visiting or entering Southeastern Louisiana University premises for the period during which their sanction is in effect without advance written authorization from the Chief Student Conduct Officer. A hold may be placed on the ability to register and or the records of students involuntarily separated from the University for the period of separation.

m. Disciplinary Expulsion - Permanent separation of the student from the University. Students who are involuntarily separated from the University are restricted from visiting or entering Southeastern Louisiana University premises for the period during which their sanction is in effect without advance written authorization from the Chief Student Conduct Officer. A hold may be placed on the ability to register and or the records of students involuntarily separated from the University for the period of separation.

n. Withholding Degree - The University may withhold awarding a degree otherwise

earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.

2. More than one of the sanctions listed above may be imposed for any single violation.

3. Disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential disciplinary record. In minor cases, one year after graduation, or five years after the student last attended the University, the student's confidential disciplinary record may be expunged of disciplinary actions other than separation from the institution. Confidential disciplinary records involving the imposition of sanctions entailing separation from the institution are kept indefinitely.

4. The following sanctions may be imposed upon groups or organizations:

a. Those sanctions listed above in Section D 1, a-l.

b. Deactivation - loss of privileges, including loss of university recognition, either permanently or for a specified period of time.

5. In each case in which a hearing body determines that a student has violated the Student Code of Conduct, the sanction(s) shall be recommended by the hearing body but final determination will be imposed by the Hearing Board Advisor. Sanctions are not limited to those recommended by the hearing body but may be modified by the Chief Student Conduct Officer, the Assistant Director of OSC, the Residential Conduct Officer and/or the Hearing Board Advisor. Following the hearing, the Hearing Board Advisor shall advise the accused in writing of the determination of the sanction(s) imposed, if any. In cases of sexual assault and/or physical violence, the complainant shall also be informed of the determination.

#### **E. Typical Ranges of Sanctions**

Sanctioning ranges established by the University exist for students found responsible for violating certain sections of the Student Code of Conduct. However, ranges exist to provide a guide and are not mandatory as each case is determined on a case-by-case basis, taking into account intervening variables, the determination of the Hearing Officer or Board of the student's realization and understanding of his/her actions, whether the student has been involved in past infractions of the Student Code of Conduct, and the individual circumstances of the incident. Thus, ranges may be increased, decreased or changed as needed. The following sanctioning ranges exist as follows for first-time offenses:

1. Alcohol Violation:

a. Referral to an alcohol education program and/or mandatory counseling;

b. Community service hours and/or an administrative assessment;

c. Discipline Probation for up to one year;

d. If the student is a resident, Residence Hall Probation for up to one year, and;

e. If the student is under the age of 21, parental notification at the discretion of the Hearing Officer.

2. Incidents involving Violence to Persons:

a. Mandatory counseling;

b. Community service hours and/or an administrative assessment;

c. Disciplinary Probation for one year up to Expulsion, and;

d. If the student is a resident, Residence Hall Probation up to Residence Hall Expulsion.

3. Incidents involving Disorderly Conduct:
  - a. Community service hours and/or an administrative assessment;
  - b. Disciplinary Probation to Discipline Suspension, and;
  - c. If the student is a resident, Residence Hall Probation up to Residence Hall Suspension for one year.
4. Incidents involving illegal drug use:
  - a. Mandatory counseling;
  - b. Community service hours and/or an administrative assessment;
  - c. Disciplinary Probation for two years up to Expulsion;
  - d. If the student is a resident, Residence Hall Suspension for one year or more, and;
  - e. If the student is under the age of 21, parental notification at the discretion of the Hearing Officer.
5. Incidents involving sales or furnishing of illegal drugs:  
University Suspension for one year up to Expulsion.
6. Incidents involving damage or abuse to property:
  - a. Community service hours and/or an administrative assessment;
  - b. Disciplinary Probation for one year up to Suspension for one year, and;
  - c. If the student is a resident, Residence Hall Probation for one year up to Residence Hall Expulsion.
7. Incidents involving sexual assault - Suspension for one year up to Expulsion.

**F. Interim Suspension**

In certain circumstances, the Vice President of Student Affairs, the Chief Student Conduct Officer, the Assistant Director of OSC, or designee, may impose a University or residence hall suspension prior to the hearing before a hearing body. Living on campus is a privilege, not a right. The University reserves the right to terminate this privilege, at any time, for inappropriate behavior by a student.

1. Interim suspension may be imposed only:
  - a. To ensure the safety and well being of members of the University community or preservation of University property;
  - b. To ensure the student's physical or emotional safety or well being; or,
  - c. If the student poses a threat of disruption of or interference with normal University operations.
2. During the interim suspension, the Vice President of Student Affairs, the Chief Student Conduct Officer, the Assistant Director of OSC or designee may deny the student access to any or all of the following: residence halls; the campus (including classes), and/or; all other University activities and/or privileges for which the student might otherwise be eligible.

**ARTICLE VII: APPEALS**

A. A decision reached by the hearing body or a sanction imposed by the Chief Student Conduct Officer, the Assistant Director of OSC, and/or the Residential Conduct Officer may be appealed by accused students or complainants to the Vice President of Student Affairs within five (5) working days of being notified of the decision. If the student is notified of the decision by letter, the student has five (5) working days from the posted dated stamped on the envelope to make an appeal. Such appeals shall be in writing and shall be delivered to the Vice President of Student Affairs and/or Chief Student Conduct Officer or his/her designee. The rendered sanction is in effect as of the date identified on

the sanction letter, or until an appeal is granted.

1. Appeals of decisions and/or sanctions involving individuals or student organizations must be submitted to the Vice President of Student Affairs.

2. A student may appeal the decision of the Vice President of Student Affairs to the President of the University if the sanction is one of suspension from the University for a period of one academic year, or if the sanction is of greater severity. For appeals regarding less severe sanctions, the final appeal shall be at the Vice President of Student Affairs level.

3. A student may appeal the decision of the University President to the Board of Supervisors if the sanction is one of suspension from the University for a period of one academic year, or if the sanction is of greater severity. For appeals regarding less severe sanctions, the final appeal shall be at the University level. If the student chooses to appeal to the Board of Supervisors after all administrative procedures have been exhausted at the University level, the appeal must be submitted to the President of the University of Louisiana System which refers the appeal to the Board of Supervisors for the University of Louisiana System. The appeal must be made within 30 calendar days of the University's decision. The Board's review is limited to a determination of compliance with established and appropriate procedures at the University level. The student shall be notified of the Board's decision.

B. Except as required to explain the basis of new information, an appeal at the University level may be limited to a review of the written statement by the party requesting the appeal and/or written documents pertaining to the case. The scope of review shall be limited to consideration of the following questions:

1. Whether the discipline process was conducted fairly and in conformity with the properly prescribed procedures;

3. Whether to consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board Hearing.

3. Whether the sanction or remedy imposed was in due proportion to the gravity and nature of the conduct.

C. If an appeal is upheld in cases involving appeals by students who have been found to have breached the Student Code of Conduct, the President and Vice President of Student Affairs may either:

1. Reduce, change, or dismiss the sanctions of the hearing body;

2. Remand the case to a new hearing body although nothing shall prevent the same Student Conduct Advisor from serving as advisor to this new hearing body.

D. It is important for students who file grievances with the University of Louisiana System Board of Supervisors to understand the following:

1. The Board of Supervisors does not consider appeals for academic matters, but only matters pertaining to appeals of university rulings on conduct.

2. The Board of Supervisors conducts reviews of student appeals via materials provided by the student grievant and the university.

3. Review by the Board of Supervisors consists of an exhaustive examination of procedures followed by the university in regard to due

process and not the specific details of the grievance matter.

4. The University of Louisiana System student grievance process does not provide the benefit of a hearing by the student directly to the Board of Supervisors.

#### **ARTICLE VIII: INTERPRETATION AND REVISION**

A. Any questions of interpretation regarding the Student Code of Conduct shall be referred to the Vice President of Student Affairs, Chief Student Conduct Officer, the Assistant Director of OSC or his/her designee for final determination.

B. The Student Code of Conduct shall be reviewed periodically under the direction of the Vice President of Student Affairs or designee.

#### **Mental Health Emergencies: Suicide Attempts**

1. Contact University Police upon observing or becoming aware of a suicide attempt. Give the location of the individual's condition to the police officer/dispatcher.

2. Follow the directions as given by the officer/dispatcher.

3. University Police, upon notification of a suicide attempt, will take action(s) as appropriate to:

a. instruct the caller what to do.

b. dispatch officer(s) to the scene.

c. contact ambulance/medical facility.

d. contact University administrators:

1) University Counseling Center person on call

2) Division of Student Affairs person on call

3) The counselor will notify the subject's significant other, family or legal representative.

The subject will be required to obtain a psychiatric evaluation form. The subject will not be allowed to return to the residence halls or the University until the evaluation form has been completed and received by the Chief Student Conduct Officer.

The Chief Student Conduct Officer or designee will review the evaluation form and determine if the student is medically cleared to return to campus. If the subject does not obtain the above, he/she will not be allowed to return to the residence halls.

Upon returning, the subject will have the opportunity to avail himself/herself of Southeastern's mental health services.

#### **Endangering One's Own Physical Well Being or Disrupting the Community**

Students, who endanger their own physical well being or disrupt the campus community, including threatening or attempting suicide, may be intermly suspended from the residence halls and/or the University. To be considered for reinstatement to the residence halls and/or the University, the student may be required to provide the Chief Student Conduct Officer with a Psychiatric Evaluation Form completed and signed by a licensed mental health professional indicating that the student is not a threat to himself/herself or the campus community. This form may be obtained from the Office of Student Conduct (Student Union Room 205). Additionally, the parents, legal guardian, and/or significant other may be notified of the incident.

Students are advised that threatening and/or attempting suicide is a violation of the Student Code of Conduct and may result in disciplinary action by the University.