

# **TULANE UNIVERSITY CODE OF STUDENT CONDUCT**

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# TULANE UNIVERSITY CODE OF STUDENT CONDUCT

## **Preamble**

Tulane University, as a community dedicated to learning and the advancement of knowledge, expects and requires the behavior of all of its students to be compatible with its high standards of scholarship and conduct. Acceptance of admission to the University carries with it an obligation for the welfare of the community. Freedom to learn can be preserved only through respect for the rights of others, for the free expression of ideas, and for the law.

All individuals and/or groups of the Tulane University community are expected to speak and act with scrupulous respect for the human dignity of others, both within the classroom and outside it, in social and recreational as well as academic activities.

Tulane University will not tolerate any form of harassment or intimidation on the basis of gender, race, color, religion, age, national origin, ethnicity, disability, veteran's status, sexual orientation or marital status. Nor will it tolerate acts of hazing against individuals or groups or discrimination against its members solely because they express different points of view. The University encourages the free exchange of ideas and opinions, but insists that the free expression of views must be made with respect for the human dignity and freedom of others.

By accepting admission to Tulane University, a student accepts its regulations and acknowledges the right of the University to take disciplinary action, including suspension or expulsion, for conduct judged unsatisfactory or disruptive.

## **I. Sources and Lines of Authority**

The authority over student behavior, academic and non-academic, whether involving individuals or groups, rests with the Board of Administrators of the Tulane Educational Fund and is delegated by them to the President of the University. The President delegates authority as follows:

**A.** For all academic activities, the authority for control rests with the Dean of faculty of the college or school. Classroom examinations, tests, and written assignments are conducted under a college or school Code of Professionalism.

**B.** In all other areas, whether on or off campus, the President of the University delegates authority in matters of conduct to the Senior Vice President for Academic Affairs (Uptown Campus) and Senior Vice President for Health Sciences (Downtown Campus). The Senior Vice President for Academic Affairs and Senior Vice President for Health Sciences in turn delegates authority to the Vice President for Student Affairs and the judicial system of the University. The Vice President for Student Affairs is responsible for formulating appropriate procedures and regulations concerning student behavior and for the judicial consideration of violations.

## **II. Delegation of Authority to Special Groups and Officials**

**A.** Subject to review by the Vice President for Student Affairs and/or the Senate Committee for Student Affairs, authority for the supervision of specific phases of student conduct is delegated to certain recognized student organizations. The delegation of authority to an organization is made on the premise that there be a faculty or staff advisor for each such organization.

1. The Associated Student Body (ASB) Senate is composed of the elected officers of the Associated Student Body and delegates elected by the student bodies of the several colleges and schools. The

ASB Senate represents the Associated Student Body in all matters of student government including conduct of campus elections. The ASB Senate also supervises ASB-recognized student organizations and recommends the approval of new student groups or the abolition of existing ones. Details covering ASB Senate activities are found in the Constitution of the Associated Student Body of Tulane University.

2. The Tulane Interfraternity and Panhellenic Councils, through their judicial committees, have powers of supervision over social fraternity and sorority member chapters. Specific regulations are published in the University Tulane Interfraternity and Panhellenic codes. Recommendations of the Interfraternity and Panhellenic Councils are subject to approval or modification by the Vice President for Student Affairs or designated representative. Violations of the Code may, at the discretion of the Vice President for Student Affairs or designated representative, be referred to the University judicial system for adjudication. Details covering Interfraternity and Panhellenic Council judicial committees are found in their respective Constitutions.

**B.** Authority for the supervision of specific phases of student conduct is delegated to certain University officials.

1. Cases of serious misbehavior that relate both to health and to conduct, which usually require a decision in respect to whether a student should remain in the University, may be referred to the appropriate Student Health Center (Uptown or Downtown). The recommendation of the respective Director of the Student Health Center, in consultation with the attending physician, is acted upon by a joint committee composed of the Vice President for Student Affairs as chairperson, the Director of the Student Health Center, and the Dean of the college or school in which the student is enrolled, or their designated representative(s).

2. The Vice President for Student Affairs or designated representative may suspend a student for an interim period, without prior notice, if there is evidence that the continued presence of the student on campus poses a threat to the student or to others or to the stability and continuance of normal University affairs. A student suspended on an interim basis will be scheduled by the chief judicial affairs officer or designated representative for a hearing before a Joint Hearing Board at the earliest possible time.

3. Violations of traffic regulations on the Tulane University campus are handled by the Department of Public Safety and are generally not considered to be disciplinary matters. If a student fails to cooperate with this office, he/she may be referred to the Vice President for Student Affairs or designated representative for disciplinary action.

### **III. Standards of Conduct Violations**

**A.** The following are examples of misconduct; they are not intended to define misconduct in exhaustive or exclusive terms and should be construed broadly according to the fair import of their terms. The following actions or any actions that violate the principles of the preamble to this document violate University standards of conduct, as do attempts to commit any of the following actions. Jurisdiction over violations of the Code of Student Conduct includes actions on University premises, at University sponsored events, or elsewhere when a substantial, identifiable interest of the University is concerned.

1. Causing physical harm or reasonable apprehension of physical harm.

2. Interference with the educational process or other University sponsored activities.
3. Use, possession, or storage of any weapon, and/or use of an item in such a manner that poses a potential hazard to the safety or health of others.
4. Unauthorized use and/or possession of any controlled substance or illegal drug.
5. Distribution or possession for the purpose of distribution of any controlled substance or illegal drug.
6. Use, possession or distribution of alcoholic beverages in violation of the Tulane Alcohol Beverage Policy.
7. Initiating or causing to be initiated any false report or warning of fire, explosion, or other emergency.
8. Improper use of safety, emergency, or fire fighting equipment.
9. Furnishing false information to the University.
10. Acts of fraud or attempted fraud committed by forgery, by alteration or use of University documents, records, identification, or by other means.
11. Unauthorized access or use of computer equipment, networks, software, or data, including violation of the Tulane Computer Services policies.
12. Interference with the freedom of expression of others.
13. Theft of property or services, or knowing possession of stolen property.
14. Damage to the property of others.
15. Failure to comply with the directions of University officials, including campus police officers, acting in the performance of their duties.
16. Harassment or intimidation.
17. Lewd or obscene conduct.
18. Stalking: defined as behaviors or activities occurring on more than one occasion that collectively instill fear in the victim, and/or threaten his/her safety, mental health, or physical health.
19. Abusive or disorderly conduct.
20. Disorderly or disruptive conduct while under the influence of alcohol.

21. Hazing: defined as behavior that endangers the mental or physical health of a student as a condition for initial or continued affiliation with any group regardless of either the lack of intent to endanger the student or the student's own willingness to participate.

22. Sexual Misconduct: defined as nonconsensual sexual behavior which may occur as a result of force, threat, intimidation, or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware.

23. Violation of other University principles, policies, or rules, including residence hall rules, and rules concerning entry and use of University facilities, sale or consumption of alcoholic beverages, use of vehicles, or misuse of identification cards.

24. Conviction of violation of federal, state, or local laws, when the University has a substantial, identifiable interest. (When a student charged with misconduct is also charged with an offense in a federal, state, or local court arising out of the same facts, the Vice President for Student Affairs may hold in abeyance the hearing on the misconduct charge pending the disposition of the federal, state, or local charges at the trial level. Conduct charges must be resolved before any Tulane transcript may be released or degree awarded. The attendance of classes during any abeyance of University adjudication shall in no event require the awarding of a degree.)

25. Violating the terms of any sanction imposed in accordance with the Code.

**B.** The following are some specific circumstances of standards of conduct violation that may be considered in the charging process.

1. Attempts to commit acts prohibited by the Code may be punished to the same extent as actual violations. Accomplices in acts prohibited by this Code may be punished as violators.

2. Student groups or organizations may be charged with violations of the Code. A student group or organization and its officers may be held collectively or individually responsible when violations of the Code by those associated with the group or organization have received the tacit or overt consent or encouragement of the leaders, officers, or spokespersons. The officers, leaders, or spokespersons for a student group or organization may be directed by the Vice President for Student Affairs or designated representative to take reasonable actions to end violations of the Code.

3. Students may be accountable to local, state, or federal authorities and to the University for acts that constitute violations of the law and of the Code. Disciplinary action at the University may proceed during pending criminal proceedings and will not be subject to change on the ground that criminal charges involving the same incident have been dismissed or reduced.

#### **IV. Sanctions**

The following sanctions or other sanctions appropriate to the circumstances of a given case may be imposed, singly or in combination, for Code violations of standards of conduct. Circumstances that bear on the severity of the sanction may include the present demeanor and disciplinary record of the offender, the nature of the offense, and the extent of harm resulting from it.

A. Fines.

B. Restitution.

C. Uncompensated University service.

D. Written reprimand.

E. Residential probation. The student is issued a written notice that further violations would constitute grounds for loss of the privilege of residing in any University housing. Appropriate Residence Life officials will be notified.

F. Disciplinary probation. The student is not in good standing and is sent a letter of warning that further acts of misconduct will be subject to further judicial action and may result in suspension or expulsion from the University. A copy of the notice will be sent to the Vice President for Student Affairs and the student's academic Dean.

G. Residential relocation. The student no longer has the privilege of residing in current housing assignment. The student is reassigned to a room on another floor or building. New assignments will be made by the Director of Housing and Residence Life or designated representative.

H. Facility suspension. The student no longer has the privilege of entering and/or residing in a particular facility or building for a specified period of time or until a specific condition is met.

I. Facility expulsion. The student has lost the privilege of entering and/or residing in a particular facility or building at any time.

J. Suspension from the University. Suspension is defined as a complete separation from University activities, services, facilities, and grounds. Suspension may be of two types:

1. Term suspension shall be for a specified time, not to exceed one year, after which the suspended student may return to the University.

2. Conditional suspension shall stipulate that reentry to the community will be granted on the fulfillment of certain conditions by the student. Subject to fulfillment of the stipulated conditions, the suspension will be indefinite. The Vice President for Student Affairs will be notified that the conditions have been fulfilled. The Vice President for Student Affairs or designated representative reviews all recommendations of suspension. Suspension may be approved, altered, deferred, or withheld at the discretion of the Vice President for Student Affairs or designated representative.

K. Expulsion from the University. The student is permanently separated from the University. Permanent notification will

appear on the student's transcript. The student will be barred from University activities, services, facilities, and grounds. The Senior Vice President for Academic Affairs (Uptown Campus) or Senior Vice President for Health Sciences (Downtown Campus), or designated representative, reviews all recommendations of expulsion. Expulsion may be approved, altered, deferred, or withheld at the discretion of the Senior Vice President for Academic Affairs or Senior Vice President for Health Sciences, or designated representative.

## **V. The Judicial System**

The Code of Student Conduct applies to all students enrolled at Tulane University. If an enrolled student is charged with a violation of the Code, he/she may have to resolve the charge(s) before registering for a subsequent term or receiving a transcript or diploma. If a student is granted withdrawal from the University, including a retroactive one, he/she may still be required to resolve the charge(s) arising from an alleged violation of the Code while enrolled. All proceedings under the Code are confidential. All proceedings and all documents generated by the process form a part of the charged student's records and are therefore confidential under the federal Family Educational Rights and Privacy Act. Participants in the process, including the charged, the complainant, witnesses, hearing board members, and staff members are advised to preserve the confidentiality of all proceedings and all documents under this Code. Any breach of confidentiality may subject the responsible party to charges under this Code.

**A. PERSONNEL:** The personnel with responsibility to enforce the Code include the following officials and groups:

**1. Chief Judicial Affairs Officer:** The chief judicial affairs officer is appointed by the Vice President for Student Affairs. The chief judicial affairs officer or designated representative is responsible for meeting with members of the University community who have filed or wish to file a complaint of an alleged violation of the Code. The chief judicial affairs officer or designated representative advises students who wish to file a complaint and those who are charged with violating standards of the Code of their rights and responsibilities. Cases that are accepted are then referred to the appropriate judicial level. The chief judicial affairs officer or designated representative serves as the non-voting chair of Joint Hearing Boards and coordinates mediation efforts.

**2. Judicial Officers:** Judicial officers are appointed by the Vice President for Student Affairs. Judicial officers conduct disciplinary conferences on cases referred by the chief judicial affairs officer, serve as advisors to Student Hearing Boards, resent cases before the Joint Hearing Board, and chair Joint Hearing Boards when directed by the chief judicial affairs officer.

**3. The Judicial Pools:**

a. The faculty judicial pool shall consist of the following faculty members: six from Newcomb-Tulane College, two each from the A.B. Freeman School of Business, the School of Science and Engineering, and the School of Continuing Studies; and one each from the School of Architecture, the Law School, the School of Social Work, the School of Medicine, and the School of Public Health and Tropical Medicine. Members will be appointed by the Senior Vice President for Academic Affairs (Uptown Campus) or Senior Vice President for Health Sciences (Downtown Campus) and will serve three-year terms, staggered. New members of the judicial pool must attend an orientation on the standards of conduct, sanctions, and the judicial system.

b. The student judicial pool shall be constituted in parallel numbers. Members will be appointed by their college or school Deans for two-year terms, staggered. If the pool lacks eight members who live in the residence halls, additional members will be appointed by the chief judicial affairs officer. New members of the judicial pool must attend an orientation on the standards of conduct, sanctions, and the judicial system.

c. The staff judicial pool shall consist of nine staff members. Members will be appointed by the Vice President for Student Affairs for three-year terms, staggered. New members of the judicial pools must attend an orientation on the standards of conduct, sanctions, and the judicial system.

**4. Department of Housing and Residence Life Personnel:** The Director of Housing and Residence Life and other Housing and Residence Life staff members designated by the Director shall have responsibility for administering judicial proceedings, including disciplinary conferences, which relate to on-campus housing and involve resident students.

**5. Residential Review Board Pool:** The Residential Review Board Pool shall consist of eighteen students who presently reside in on-campus university housing. Student representation per housing area will be determined by the number of students residing in each housing area. Members will be nominated by the residents of each building and appointed by the Director of Housing and Residence Life or designated representative. Appointments are for one year. New members of the pool must attend an orientation session on the standards of conduct, sanctions, and the judicial system.

**6. Chair, Senate Committee on Student Affairs:** The Chair of the Senate Committee on Student Affairs or designated representative appoints members to the Appellate Panel for the Joint Hearing Board. The Chair or designated representative also appoints members to a judicial advisory committee when an appeal is submitted in the event a decision is made by the chief judicial affairs officer to refuse to hear a case.

## **B. PROCEDURAL DUE PROCESS RIGHTS**

**1. Procedural Review:** A student who is charged with a violation of the Code of Student Conduct is recommended to attend a procedural review with the chief judicial affairs officer or designated representative. The chief judicial affairs officer or designated representative reviews the case and determines whether it should be referred to a Joint Hearing Board. If the violation is less serious, the chief judicial affairs officer or designated representative will give the student a choice between having the case heard by a Student Hearing Board or a disciplinary conference. The chief judicial affairs officer or designated representative reviews the charged student's procedural due process rights. These rights include, but are not limited to: access to his/her case file; right to have an advisor of his/her choice at the hearing selected from faculty, staff, or students of the University (such an advisor in no case shall be legal counsel or campus police officer); and, right to bring witnesses to the hearing.

**2. Procedural Review for Housing and Residence Life:** A resident student who is charged with a violation of residence hall policies, or charged with a violation of the Code which has not been referred to a Joint Hearing Board, will be asked to meet with a member of the Residential Review Board or a staff member from the Department of Housing and Residence Life. The charged student will be granted a choice between having the case heard by a Residential Review Board or a disciplinary conference with a staff member from the Department of Housing and Residence Life.

A member of the Residential Review Board or a staff member from the Department of Housing and Residence Life reviews the charged student's procedural due process rights. These rights include, but are not limited to: access to his/her case file; right to have an advisor of his/her choice at the hearing selected from faculty, staff, or students of the University (such an advisor in no case shall be legal counsel); and, right to bring witnesses to the hearing.

**C. HEARINGS:** The jurisdiction, composition, and authority of those persons who are responsible for hearing cases, shall be as follows:

### **1. Disciplinary Conferences**

#### **JURISDICTION**

Violations where the chief judicial affairs officer or designated representative has allowed a student to choose this disposition and the student has so chosen.

#### **HEARD BY**

Judicial affairs officer

#### **SANCTIONS**

Any sanction or any combination of sanctions, except suspension or expulsion from the University.

### **2. Student Hearing Boards**

#### **JURISDICTION**

Violations where the chief judicial affairs officer or designated representative has allowed a student to choose this disposition and the student has so chosen.

#### **COMPOSITION**

Three student members selected randomly from the student judicial pool. One student shall be designated as presiding by the chief judicial affairs officer or designated representative. A judicial affairs officer will advise and assist with the procedures of the hearing.

#### **SANCTIONS**

Any sanction or any combination of sanctions, except suspension or expulsion from the University. All decisions of Student Hearing Boards are recommendations to the chief judicial affairs officer or designated representative. Sanctions may be approved, altered, deferred, or withheld at the discretion of the chief judicial affairs officer or designated representative.

### **3. Residential Review Boards**

#### **JURISDICTION**

Violations of residence hall rules and/or policies which fall outside the Code of Student Conduct where the Director of Housing and Residence Life or designated representative has allowed a student to choose this disposition and the student has so chosen, or the student has been referred directly to this disposition.

#### **COMPOSITION**

Three student members selected randomly from the Residential Review Board pool by the Director of Housing and Residence Life or designated representative. One student shall preside as chair. A fourth student selected from the Review Board pool may conduct a procedural review with the charged student. A staff member of the Department of Housing and Residence Life will advise and assist with the procedures of the hearing.

#### **SANCTIONS**

Any sanction or any combination of sanctions, except suspension or expulsion from the University. All decisions of the Residential Review Board are recommendations to the Director of Housing and Residence Life or designated representative. Sanctions may be approved, altered, deferred, or

withheld at the discretion of the Director of Housing and Residence Life or designated representative. In situations where the Board recommends residential relocation, facility suspension or expulsion, the sanction must be approved and signed by the Director of Housing and Residence Life or designated representative.

#### **4. Joint Hearing Boards**

##### **JURISDICTION**

Jurisdiction of such cases will be determined by the chief judicial affairs officer or designated representative. Composition: Two student members, two faculty members and one staff member selected randomly from the judicial pools, with the chief judicial affairs officer or designated representative serving as chair. Hearings may proceed with a quorum of three voting members, including, one faculty member and one student member. The third member may be a student, faculty or staff member.

##### **SANCTIONS**

The Joint Hearing Board may impose any sanction listed in the Code. Decisions made by this Board for suspensions are recommendations to the Vice President for Student Affairs or designated representative. Decisions made by this Board for expulsion are recommendations to the Senior Vice President for Academic Affairs (Uptown Campus) or Senior Vice President for Health Sciences (Downtown Campus), or designated representative.

**D. HEARING PROCEDURES:** Unless otherwise specified, the following procedures are to be used in all hearings including disciplinary conferences.

1. Any person who is a member of the University community may file a complaint with the chief judicial affairs officer or designated representative. The Complainant must be either the person whose rights have allegedly been violated or an appropriate University official. The complainant must submit a written report with the name of the student alleged to be responsible and a specific description of the misconduct. The chief judicial affairs officer, or designated representative, may refuse the case if there is insufficient evidence to support it, or if the substance of the complaint falls outside the jurisdiction or parameters of the Code of Student Conduct. In the event that the decision is made to refuse the case, the individual or group bringing the charge(s) may appeal the decision to a judicial advisory committee composed of three members of the student/faculty judicial pools (minimum of one student member and one faculty member) appointed by the Chair of the Senate Committee on Student Affairs or designated representative.

Appeals shall be decided upon the written statements submitted by the parties. Complaints that are accepted and referred to hearing boards or disciplinary conferences are presented at the hearing by the complainant. In cases where the University is the complainant, a judicial affairs officer, or other University official, will present the case at the hearing.

2. The chief judicial affairs officer, or designated representative, will notify the charged student in writing of the charges at least five working days in advance of the hearing date and will inform the student of his/her procedural due process rights.

3. In exceptional or extraordinary circumstances and only after the approval of the chief judicial affairs officer, a complainant may give testimony in a campus hearing by means other than being in the same room with the charged student(s).

4. A student who fails to appear after proper written notice will be deemed to have waived his/her right to present a defense to the charges. Hearings will proceed in absentia.
5. Several students charged with the same misconduct occurring at the same time and place may be charged and their cases heard together. A severance may be granted to any one or all the students charged at the discretion of the chief judicial affairs officer or designated representative.
6. In Board hearings, the complainant and charged student may each challenge one Board member on the ground of personal bias. Board members should also disqualify themselves on these grounds.
7. The presiding officer shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person who disrupts a hearing may be excluded from the proceedings.
8. Each student who has filed a complaint and the student who has been charged may have an advisor of his/her choice selected from faculty, staff, or students of the University. Such an advisor in no case shall be legal counsel or campus police officer. The advisor may not participate in the proceedings except to advise the complainant or charged student.
9. All persons shall be asked to affirm that their testimony is truthful. Furnishing false information to the University may result in formal charges.
10. The charged student and the complainant shall be offered the opportunity to present their own witnesses and to question one another's witnesses.
11. Prospective witnesses shall be excluded from the hearing during the testimony of other witnesses. All parties and witnesses shall be excluded during Board deliberations.
12. The burden of proof shall be on the complainant, who must establish that the violation was committed by the charged student by clear and convincing evidence (not beyond a reasonable doubt). Formal rules of evidence shall not be applicable, nor shall harmless or technical procedural errors be grounds for appeal. All evidence reasonable people would accept in making decisions about their own affairs is admissible. Irrelevant or immaterial evidence will be excluded.
13. Final decisions of all Boards shall be by the majority vote of all members present and voting.
14. Final decisions of all Boards may be accompanied by a brief written statement.
15. All hearings of a Joint Hearing Board will be taped for use in deliberation by the Board. Any tape recording may only be made by the presiding officer and shall be private. Recordings will be erased when the time limit for an appeal has expired or after an appeal.
16. In a Board hearing, a determination that the violation was committed by the charged student shall be followed by a supplemental proceeding in which the complainant, the charged, and appropriate University official may submit information or make statements concerning the appropriate sanction to be imposed. The past disciplinary record of the charged shall not be supplied to the Board prior to the supplementary proceeding.

17. Case referrals will result in the development of a disciplinary file in the name of the charged student, which shall be voided if the student is found not be in violation of the charges. The file of those found to be in violation of any of the charges against them will be retained as a disciplinary record for five years from the date of the final disciplinary decision. Files of cases resulting in suspension or expulsion will be retained indefinitely. Disciplinary records may be voided by a majority of those present and voting at an executive session of the Senate Committee on Student Affairs for good cause upon written petition. Factors to consider may include: a.) the present demeanor of the student; b.) the conduct of the student after the violation; c.) the nature of the violation and the severity of harm resulting from it.

## **E. APPELLATE PANELS**

### **1. Appellate Panel for Disciplinary Conferences and Student Hearing Boards**

#### **JURISDICTION**

Appellate jurisdiction in disciplinary conferences or Student Hearing Boards cases.

#### **COMPOSITION**

Three members of the judicial pools (minimum of one student and one faculty member; the third member may be a student, faculty or staff member) chosen by the chief judicial affairs officer or designated representative. Appellate panel members may not review a case in which they were on the original Board. One of the members shall be designated as presiding over the three-person panel.

#### **PROCEDURE**

Appeals shall be decided on the record of the original proceedings and upon written statements submitted by the parties. New hearings shall not be conducted by the appellate body.

#### **AUTHORIZED DISPOSITIONS OF APPEALS:**

- a. If the appeal is found to have merit, the case will be referred back to the chief judicial affairs officer, or designated representative, to begin new proceedings on the same hearing level.
- b. If the appeal is found to have no merit, the original finding will be affirmed.

### **2. Appellate Panel for Residential Review Board**

#### **JURISDICTION**

Appellate jurisdiction in Residential Review Board cases.

#### **COMPOSITION**

Three Residential Review Board members chosen from the judicial pool by the Director of Housing and Residence Life or designated representative. Appellate panel members may not review a case in which they were on Board. One student shall be designated as presiding over the three-person panel.

#### **PROCEDURES**

Appeals shall be decided on the record of the original proceedings and upon written statements submitted by the parties. New hearings shall not be conducted by the appellate body.

#### **AUTHORIZED DISPOSITIONS OF APPEALS:**

- a. If the appeal is found to have merit, the case will be referred back to the Director of Housing and Residence Life, or designated representative, to begin new proceedings for a Residential Review Board.

b. If the appeal is found to have no merit, the original finding will be affirmed.

### **3. Appellate Panel for the Joint Hearing Board**

#### **JURISDICTION**

Appellate jurisdiction in Joint Hearing Board cases.

#### **COMPOSITION**

Three members of the judicial pools (minimum of one student and one faculty member; the third member may be a student, faculty or staff member), chosen from the judicial pools by the Chair of the Senate Committee on Student Affairs. The faculty or staff member shall be designated as presiding over the three-person panel.

#### **PROCEDURE**

Appeals shall be decided on the record of the original proceedings and upon written statements submitted by the parties. New hearings shall not be conducted by the appellate body.

#### **AUTHORIZED DISPOSITIONS OF APPEALS:**

- a. If the appeal is found to have merit, the case will be referred back to the chief judicial affairs officer, or designated representative, to begin new proceedings for a joint hearing board.
- b. If the appeal is found not to have merit, the original findings will be affirmed.

### **F. APPELLATE PROCEDURES**

1. Grounds for appeal are limited to the following situations:

- a. When a sanction is grossly disproportionate to the offense.
- b. When specified procedural error or errors in the interpretation of University regulations are so substantial as to deny the charged student a fair hearing.
- c. When new and significant evidence appears which could not have been discovered by a properly diligent charged student before or during the original hearing.
- d. When the evidence appears to suggest that the finding of a violation was arbitrary and capricious. An arbitrary and capricious finding would be one not supported by any evidence.

2. A request for appeal by the charged student must be submitted in writing to the chief judicial affairs officer, or designated representative, within four working days of the original decision. The student must also submit a written statement in support of the appeal to the chief judicial affairs officer within eight working days of the original decision. The written statement must include a statement as to the grounds on which the appeal is being made. Failure to request an appeal in writing or to provide a written statement in support of the appeal within the allotted time periods will render the original decision final. The chief judicial affairs officer, or designated representative, will notify the complainant of the request for an appeal. Within four working days of the reception of the notice, the complainant may submit a written statement to be included in the case file. The appeal may proceed without the complainant's written statement if the complainant fails to submit it within the designated time limit.

3. The enforcement of sanctions may be deferred during appellate proceedings, at the discretion of the Vice President for Student Affairs or designated representative.

### **G. MEDIATION**

Mediation is a collaborative and confidential process where students who have a conflict with one another identify issues, develop options, consider alternatives, and develop a consensual agreement facilitated by a neutral third party. Mediation should be considered when prior attempts at resolving conflicts have failed or when students need assistance in confronting issues. It is an alternative to filing formal charges. This process does not result in a disciplinary file.

1. The chief judicial affairs officer or designated representative will gather information about the conflict.
2. The chief judicial affairs officer or designated representative will contact students and invite their participation in mediation.
3. Mediators will be assigned and a mediation session will be scheduled.
4. At the session, the students will discuss the conflict, identify the issues, and together will strive to reach their own agreement.
5. The specifics of the agreement may be written and signed by the students. The students are responsible for upholding the agreement.
6. If the students fail to uphold the agreement, the original complaint or issue may be addressed by filing charges under the Code, as outlined above. As this is a confidential process, discussions during and outcomes of the mediation session are not admissible in a University hearing.

### **Alcohol Policy Violation Sanctions**

**Violation(s) of “Use, possession or distribution of alcoholic beverages in violation of the Tulane Alcohol Beverage Policy” (Code of Student Conduct, III.A.6.).**

#### **SANCTIONS**

##### **1st Violation**

###### **MINIMUM**

- a. Written reprimand.
- b. Educational intervention.

###### **STANDARD**

Additional sanction(s) may be levied according to the nature of the violation; options include, but not limited to, administrative referral to the Student Health Center for an assessment, hours of uncompensated University service.

##### **2nd Violation**

###### **MINIMUM**

- a. Administrative referral to the Student Health Center for an assessment.
- b. 5 uncompensated University service hours.

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###### **STANDARD**

Additional sanction(s) may be levied according to the nature of the violation: options include, but not limited to, educational intervention, additional hours of uncompensated University service, residential and/or disciplinary probation.

### **3rd Violation**

#### **MINIMUM**

- a. Administrative referral to the Student Health Center for a re-assessment.
- b. 20 uncompensated University service hours.
- c. Residential and/or disciplinary probation.

#### **STANDARD**

Additional sanction(s) may be levied according to the nature of the violation; options include, but not limited to, additional hours of uncompensated University service, residential relocation/suspension/expulsion.

### **Violation(s) of “Disorderly or disruptive conduct while under the influence of alcohol” (Code of Student Conduct, III.A.19.).**

#### **SANCTIONS**

### **1st Violation**

#### **MINIMUM**

- a. Administrative referral to the Student Health Center for an assessment.
- b. 5 uncompensated University service hours.

#### **STANDARD**

Additional sanction(s) may be levied according to the nature of the violation; options include, but not limited to, educational intervention, additional hours of uncompensated University service, residential and/or disciplinary probation.

### **2nd Violation**

#### **MINIMUM**

- a. Administrative referral to the Student Health Center for a re-assessment.
- b. 10 uncompensated University service hours.
- c. Residential and/or disciplinary probation.
- d. Parental notification (when student is under 21 years of age).

#### **STANDARD**

Additional sanction(s) may be levied according to the nature of the violation: options include, but not limited to, educational intervention, additional hours of uncompensated University service, residential relocation / suspension / expulsion.

### **3rd Violation**

#### **MINIMUM**

- a. Residential expulsion and disciplinary probation for two years or suspension from the University for one full semester with the requirement to complete a Student Health Center-approved alcohol abuse treatment program before readmission to the University and two years of disciplinary probation upon return to the University.
- b. Parental notification (when student is under 21 years of age).

Note: For health/medical emergencies involving alcohol consumption, as determined by the University, a student may be immune from formal disciplinary action; however, the University reserves the right to make administrative referrals to the Substance Abuse Clinic at the Student Health Center for an assessment and/or make a referral for an educational intervention.

## **Drug Policy Violation Sanctions**

**Violation(s) of “Unauthorized use and/or possession of any controlled substance or illegal drug” (Code of Student Conduct, III.A.4).**

### **SANCTIONS**

#### **1st Violation**

##### **MINIMUM**

- a. Administrative referral to the Student Health Center for an assessment.
- b. 20 hours of uncompensated University service.
- c. Disciplinary probation.
- d. Parental notification (when student is under 21 years of age).

##### **STANDARD**

Additional sanction(s) may be levied according to the nature of the violation; options include, but not limited to, educational intervention, additional hours of uncompensated University service, residential relocation / suspension / expulsion.

#### **2nd Violation**

##### **MINIMUM**

- a. Suspension from the University for one year with the requirement to complete a Student Health Center-approved substance abuse treatment program before readmission to the University and two years of disciplinary probation upon return to the University.
- b. Parental notification (when student is under 21 years of age).

#### **3rd Violation**

##### **MINIMUM**

- a. Expulsion from the University.
- b. Parental notification (when student is under 21 years of age).

**Violation of “Distribution or possession for the purpose of distribution of any controlled substance or illegal drug” (Code of Student Conduct, III.A.5).**

### **SANCTIONS**

#### **1st Violation**

##### **MINIMUM**

- a. Expulsion from the University.
- b. Parental notification (when student is under 21 years of age).

## **Fire Alarm Violation Sanctions**

**Violation of “Initiating or causing to be initiated any false report or warning of fire, explosion, or other emergency” (Code of Student Conduct, III.A.7) and/or “Improper use of safety, emergency, or fire fighting equipment” (Code of Student Conduct, III.A.8), specifically, the intentional pull of a false fire alarm in a campus residence facility.**

### **SANCTIONS**

## **1st Violation**

### **MINIMUM**

a. Suspension from the University for at least one full semester, and upon return to the University, two years disciplinary probation and residential expulsion.

## **COMMUNITY LIVING STANDARDS**

Welcome to the residence hall community at Tulane! We believe that living on campus suggests something special about you—that you are interested in doing well as a student and that you are interested in taking advantage of the benefits available in a living and learning environment. You will soon realize that many programs are available to support your out of classroom learning and to help you better connect with your university. Perhaps the most special aspect of living in a residence hall is the people. Students like yourself as well as staff who are available as resources to you. We sincerely hope that you will enjoy living in your hall and that it complements your academic and personal needs. Living with others is exciting, and can be challenging as well. As a resident, you have certain rights, including being treated with respect, the ability to study, and the use of facilities that are welcoming, clean, and comfortable. You have the freedom to “be yourself” and to explore the richness that the collegiate experience has to offer. You will make many choices about what you do, whom you associate with, and how you will contribute as a member of your new community. We have developed Community Standards for the residence hall system that provides a framework to help residents succeed in a community living environment. Additionally, your residence hall may establish “house or floor rules” that make sense for your specific hall/floor and which augment these Community Standards. It is important that you review them because you will be held accountable for your behavior and the choices you make as a member of this community.

We have a student conduct system covering behavior issues in and around the residence hall community. Our approach to student conduct is pretty simple—we have a responsibility to let you know about our standards, provide clarification as necessary, and then hold you accountable for your behavior and the choices you make. As a member of this community you agree to abide by and support its standards. Resident Advisers and Area Directors work with residents to create a positive living and learning experience for all residents. And, yes, they will enforce these standards when necessary via our conduct system. This system is intended primarily to address issues occurring in residence halls. However, residents are also members of the larger University community and as such are accountable to the Code of Student Conduct that is administered by the Office of the Vice President for Student Affairs. Depending on the circumstances, some conduct issues may be subject to sanctions and referred to the vice president’s office and/or to the police for additional action. Learning how to live in and contribute to a community takes personal effort and time. Our residence hall staff is here to help you in your adjustment to campus life and we encourage you to seek them out as resources. Living in a residence hall affords you many wonderful opportunities and we hope you will take advantage of them.

## **Rights and Responsibilities**

Every Tulane student has certain rights and responsibilities defined by the Code of Student Conduct. As members of the residence hall, students have additional rights and responsibilities that come with residing in a living and learning community, including:

- The right to study in one’s room free from unreasonable interference. One of the basic purposes of Tulane University is to learn and apply knowledge. Unreasonable noise and other distractions inhibit the exercise of this right.

- The right to sleep in one's room and the right of access to one's room during the time period when the residence hall is open.
- The right to live in an environment free from any form of harassment or intimidation, including but not limited to racial, ethnic, sexual and/or sexual orientation harassment.

Other rights, which should be upheld, but not when the exercise of those rights infringes upon the primary rights of others, include:

- The right to personal privacy.
- The right to one's own unique interests and values.
- The right to host guests according to policy.

It is the responsibility of each student to respect the rights of others as outlined in the Housing and Residence Life (HRL) Planning and Resource Guide and in The Rules and Regulations. Students will, at all times and in all activities, respect the rights of others, take responsibility for guest behavior, exercise responsible behavior conducive to the teaching and learning environment, and uphold the integrity of Tulane University both on and off campus.

### **COMMUNITY STANDARDS STATEMENT**

By living in a residence hall, I am residing in a living and learning community. As a member of this community, I have certain rights as a resident and as a student. I recognize as well that other members of this community have these same rights, and that my rights stop where another's begin. For this reason it will be important to learn to compromise with others in order to maintain an environment in which all members of the community may grow as individuals and may pursue learning as a fundamental part of the campus residential experience. Community Standards are established to assist in shaping this environment, to protect our rights and assert the responsibilities we each have to one another. As a member of the residence hall community, I agree to abide by Local, State, and Federal laws, as well as by these Community Standards (and others as may be developed to further support this community).

### **ALCOHOL**

I understand that I am responsible to know and abide by the Tulane University Alcohol Policy as published in the Rules and Regulations and the HRL Planner. I understand that the following statements do not represent the entire policy, but are key selections that apply specifically to the residence halls. Further, I understand that any action which violates the Tulane University Alcohol Policy is also a violation of the Community Living Standards regarding alcohol use. I understand that students under the age of 21 may not possess or consume alcoholic beverages on campus. This includes in the privacy of their rooms, in or around residential areas, and in public areas (such as lobbies, hallways, stairwells, balconies, walkways, patios/picnic areas, lounges or the areas immediately surrounding the residence halls). I understand that only students who are 21 may legally purchase, possess, and consume alcohol. I understand that alcoholic beverage containers (e.g., bottles, cans, flasks, etc.) are not permitted in residence hall rooms, except for those in which all students assigned to the room are at least 21 years of age. This applies to decorative containers and collections as well. I understand that students of legal drinking age may not possess or consume alcohol in a residence hall room in the presence of others who are under the age of 21. If I choose to consume alcohol, and I am at least 21, I understand that kegs, beer balls or other similarly large volume containers are not permitted in the residence halls. I understand that large quantities of alcohol are not permitted in a student's residence hall room. I agree further that I am not permitted to brew alcoholic beverages on campus. This includes in private rooms, in or around residential areas, and in public areas.