## Table of Contents

Preamble ......................................................................................................................... 2  
I. Sources and Lines of Authority .................................................................................. 3  
II. Student Rights ............................................................................................................ 4  
III. Student Responsibilities ............................................................................................ 10  
IV. Sanctions .................................................................................................................... 20  
V. Overview of the Student Conduct System and Definitions of Roles ......................... 25  
VI. Informal Process .......................................................................................................... 30  
VII. The Formal Hearing Process ..................................................................................... 32  
VIII. The Appeal Process .................................................................................................. 37  
IX. Records of Conduct Proceedings ............................................................................... 40  
X. Interpretation of Code of Student Conduct ................................................................ 41  
XI. Revision of Code of Student Conduct ........................................................................ 42
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 race, sex, color, religion, national origin, age, disability, genetic information, sexual orientation, gender identity, gender expression, pregnancy, marital status, military status, veteran’s status, or any other status or classification prohibited by federal, state, or local law. Nor will it tolerate acts of hazing against individuals or groups or discrimination against any member of the Tulane community 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, including the Code of Student Conduct, and acknowledges the right of the University to take conduct action, including suspension or expulsion, for conduct deemed 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. Academic Conduct: For all academic activities, the authority rests with the Dean of faculty of the college or school. Classroom examinations, tests, and written assignments are conducted under a college or school honor code.

B. Non-Academic Conduct: 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 and Provost. The Senior Vice President for Academic Affairs and Provost in turn delegates authority to the Vice President for Student Affairs. The Vice President for Student Affairs is responsible for formulating appropriate procedures and, as set forth in the Code of Student Conduct, regulations concerning student behavior and for the resolution of conduct cases. The Vice President for Student Affairs shall appoint a Student Conduct Administrator to coordinate the University’s student conduct system.
II. Student Rights

A. Rights of the Reported Victim. Any member of the University community who alleges that a student violated their rights is entitled to procedural protections under the Code, including the right:

1. To consult with the Student Conduct Administrator or designated representative in confidence; however, the University cannot guarantee complete confidentiality, notably where confidentiality would conflict with the University’s obligation to investigate.

2. To decline or opt to participate in any conduct investigation or proceedings.

3. To receive notice that reports to federal, state or local law enforcement may be appropriate under the circumstances.

4. In allegations involving sexual and/or gender-based personal violence, as defined in Section III.E, to request assistance from University personnel in submitting reports to appropriate law enforcement authorities.

5. To request assistance in locating medical, counseling, mental health, or other student services.

6. To request remedial measures and accommodations, such as a different housing assignment or class schedule, as a result of the responding student’s conduct. The Vice President for Student Affairs or designated representative will determine whether requested accommodations are reasonably available.

7. To request that a No Contact Order be issued. The Vice President for Student Affairs or designated representative will determine whether such an order should be issued.

8. To have a University report reviewed according to the procedures set forth in Section V.D, in the event that the Student Conduct Administrator decides to close the report after the period of inquiry.

9. To appear and be heard at the responding student’s hearing, however, as per Section VII.G.3., a student may forfeit this right if they are disruptive during the hearing. A reported victim has the right to decline to participate in an investigation or hearing and to remain silent. A reported victim’s silence will not be interpreted to mean that the responding student is not responsible. A reported victim’s decision not to participate may hinder the ability of the University to investigate a report or decrease the likelihood that the responding student will be found responsible for violating Tulane’s policies.

10. To request special accommodations for the hearing, such as testimony by
telephone, video-conferencing, or special seating arrangements, at the hearing. The Student Conduct Administrator or designated representative has sole discretion and final authority to determine whether accommodations are justified by the nature of the alleged conduct.

11. To have a report resolved without discrimination on account of their actual or perceived race, sex, color, religion, national origin, age, disability, genetic information, sexual orientation, gender identity, gender expression, pregnancy, marital status, military status, veteran's status, or any other status or classification prohibited by federal, state, or local law.

12. To submit a written or oral closing statement concerning the responding student’s conduct prior to a decision on violation.

13. As a reported victim, to submit a written or oral closing statement, in the event of a finding of violation, concerning an appropriate sanction.

14. To receive reasonable protection from retaliation, intimidation or harassment in response to a report.

15. To notice and an opportunity to be heard if a responding student requests that the University void conduct records involving the reported victim.

16. To serve as the Complainant by notifying the Student Conduct Administrator in writing in advance hearing of their intention to serve in this role.

17. To be informed, in writing, of the foregoing rights under the Code within a reasonable time after the Division of Student Affairs becomes aware that the reported victim’s rights have been alleged to have been violated.

B. Rights of the Complainant. Any member of the University community who alleges that a student violated their rights is entitled to serve as the Complainant by notifying the Student Conduct Administrator in writing in advance of the hearing of their intention to serve in this role. Complainants are entitled to procedural protections under the Code, including the right:

1. As a complainant in an allegation involving sexual and/or gender-based personal violence, as defined in Section III.E, to receive written notice of charges accepted by the Student Conduct Administrator and the date of the hearing. This notice will be sent through Tulane’s electronic mail.

2. As a complainant, to access the conduct file, including all statements submitted in the conduct proceeding, except as prohibited by the Family Educational Rights and Privacy Act (“FERPA”) or other federal, state, or local law. Requests to access the conduct file must be made in writing to the Student Conduct Administrator. Requests to receive a copy of a conduct file must be directed to the Office of General Counsel.
3. As a complainant, to request that a case that would normally be heard by a Hearing Board be heard through an Administrative Hearing. The Vice President for Student Affairs or designated representative has discretion regarding whether to grant this request.

4. As a complainant, to request that a Hearing Board have a different makeup (e.g., that no student sit on the panel). The Vice President for Student Affairs or designated representative has discretion regarding whether to grant this request.

5. As a complainant, to challenge Hearing Board members on the ground of personal bias. Complainants should direct such challenges either in writing to the Student Conduct Administrator in advance of the Hearing Board or verbally on the record to the Hearing Chair at the Hearing. Such questions will be resolved by the Student Conduct Administrator or designated representative.

6. As a complainant in a case involving sexual and/or gender-based personal violence, as defined in Section III.E, to have a willing advisor of their choice throughout the investigation and resolution of a report; this advisor may be an attorney. A reported victim in such a case shall not select a witness in the matter as an advisor. It is the student’s responsibility to ensure their advisor is available for appointments designated by the University. As a complainant in any other case, this advisor must be selected from faculty, staff or students of the University and shall not be a witness in the matter, a practicing attorney, or a campus police officer as an advisor. An advisor may not speak on the student’s behalf during the hearing.

7. As a complainant, to identify witnesses to be interviewed by the Investigator, subject to provisions requiring that advance notice of at least five (5) business days before the hearing be provided to the University Investigator of such witnesses, absent exceptional circumstances.

8. As a complainant, to question witnesses present at the hearing (physically or electronically) through the University Investigator at the Chair’s discretion.

9. As a complainant, to have access to a copy of any statement by the Hearing Board accompanying its determination, except as prohibited by the Family Educational Rights and Privacy Act (“FERPA”) or other federal, state, or local law. Requests to access any statement by the Hearing Board must be made in writing to the Student Conduct Administrator. Requests to receive a copy of this statement must be directed to the Office of General Counsel.

10. As a complainant in cases involving a crime of violence and/or sex or gender-based personal violence, as defined in Section III.E, to receive written notice of the final determination and sanction.
11. As a complainant, to submit a written statement to the Appellate Panel concerning any request for appeal by the responding student.

12. As a complainant, to appeal a finding that the responding student did not violate the Code of Student Conduct.

13. As a complainant in cases involving sexual and/or gender-based personal violence, as defined in Section III.E, to appeal sanctions as disproportionate.

C. **Rights of the Responding Student.** A student charged with a violation of the Code of Student Conduct is entitled to procedural protections under the Code, including the right:

1. To receive written notice of charges accepted by the Student Conduct Administrator and the date of the Hearing. This notice will be sent through Tulane’s electronic mail.

2. To access the conduct file, including all statements submitted in the conduct proceeding, except as prohibited by FERPA or other federal, state, or local law. Requests to access the conduct file must be made in writing to the Student Conduct Administrator. Requests to receive a copy of a conduct file must be directed to the Office of General Counsel.

3. To be considered not to have violated the Code until found in violation of the Code after an opportunity to be heard.

4. To request that the University defer a conduct action pending resolution of a criminal investigation or proceeding, except in cases involving sexual and/or gender-based personal violence, as defined in Section III.E.

5. To appear and be heard at a Hearing; however, as per Section VII.G.3., a student may forfeit this right if they are disruptive during the hearing.

6. To remain silent. Silence will not be interpreted as an admission of responsibility.

7. As a responding student in a case involving sexual and/or gender-based personal violence, as defined in Section III.E, to have a willing advisor of their choice throughout the investigation and resolution of a report; this advisor may be an attorney. A responding student in such a case shall not select a witness in the matter as an advisor. It is the student’s responsibility to ensure their advisor is available for appointments designated by the University. As a responding student in any other case, this advisor shall be selected from faculty, staff or students of the University and shall not be a witness in the matter, a practicing attorney, or a campus police officer as an advisor. An advisor may not speak on the student’s behalf during the hearing.
8. To request that a case that would normally be heard by a Hearing Board be heard through an Administrative Hearing. The Vice President for Student Affairs or designated representative has discretion regarding whether to grant this request.

9. To request that a Hearing Board have a different makeup (e.g., that no student sit on the panel). The Vice President for Student Affairs or designated representative has discretion regarding whether to grant this request.

10. To challenge Hearing Board members on the ground of personal bias and have such questions resolved by the Student Conduct Administrator or designated representative. Responding students should direct such challenges either in writing to the Student Conduct Administrator in advance of the Hearing Board or verbally on the record to the Hearing Chair at the Hearing. Such questions will be resolved by the Student Conduct Administrator or designated representative.

11. To have a report resolved without discrimination on account of their actual or perceived race, sex, color, religion, national origin, age, disability, genetic information, sexual orientation, gender identity, gender expression, pregnancy, marital status, military status, veteran’s status, or any other status or classification prohibited by federal, state, or local law.

12. To request special accommodations during the Investigation and/or for the Hearing, such as testimony by telephone, video-conferencing, or special seating arrangements at the Hearing. The Student Conduct Administrator or designated representative has sole discretion and final authority to determine whether accommodations are justified by the nature of the alleged conduct.

13. To identify witnesses to be interviewed by the Investigator, subject to provisions requiring that advance notice of at least five business days be provided to the University Investigator of such witnesses, absent exceptional circumstances.

14. To question witnesses at the hearing through the University Investigator at the Chair’s discretion.

15. To submit a written or oral statement concerning the responding student’s conduct prior to a decision of responsibility.

16. To submit a written or oral statement, in the event of a finding of responsibility, concerning an appropriate sanction.

17. To have access to a copy of any statement by the Hearing Board accompanying its determination, except as prohibited by the Family Educational Rights and Privacy Act (“FERPA”) or other federal, state, or local law. Requests to access any statement by the Hearing Board must be made in writing to the Student Conduct Administrator. Requests to receive a copy
of this statement must be directed to the Office of General Counsel.

18. To submit a written statement to the Appellate Panel concerning any request for appeal by the reported victim.

19. To appeal a finding of violation of the Code or sanctions imposed.

20. To request, upon a showing of good cause and notice to the complainant and/or reported victim, that the University void a conduct record.

21. To receive reasonable protection from retaliation, intimidation, harassment or malicious prosecution.

22. To be informed, in writing, of the foregoing rights under the Code.
III. Student Responsibilities

A. Jurisdiction: The University has jurisdiction over violations of the Code of Student Conduct on University premises, at University sponsored events, or elsewhere when the University has an identifiable interest. The Student Conduct Administrator or designated representative has discretion, subject to discretionary review by the Vice President for Student Affairs, to determine the jurisdiction and parameters of the Code of Student Conduct. The Student Conduct Administrator or designee may consider the following factors, among others: the seriousness of the alleged misconduct, including whether the allegations involve violence, threats of violence, drugs or alcohol, or sexual misconduct and sexual assault, stalking, intimate partner violence, or sexual harassment; whether the alleged reported victims or witnesses are members of the campus community; whether the off-campus conduct occurred at, or in connection with, activities of a student organization or group; the ability of the University to gather information, including the testimony of witnesses; whether the off-campus conduct is part of a series of actions that occurred both on and off campus or otherwise concerns an identifiable interest of the University; and whether the misconduct had a significant negative impact on the University community, University property, or the University’s reputation.

B. Students Subject to the Code of Student Conduct: The Code of Student Conduct applies to all students enrolled at Tulane University, including students enrolled in undergraduate, graduate, professional, and continuing studies programs. For conduct purposes, a student is enrolled when they accept admission to the University and is deemed enrolled during orientation, summer sessions, study abroad programs, academic and conduct suspensions, and other absences where there is an expectation of continuing progress toward a Tulane University degree. If a student has graduated, withdraws, drops out, or is granted withdrawal from the University, including a retroactive one, they may still be required to resolve charge(s) arising from an alleged violation of the Code while they were enrolled.

C. Graduate and Professional Students: Graduate and professional students are held accountable for their behavior as outlined in the Code of Student Conduct. For certain reports, graduate and professional students also may be held accountable for their behavior through professional standards, codes of ethics, or honor codes. This does not preclude the University from taking action in accordance with the Code of Student Conduct. No graduate or undergraduate student can have multiple hearings for the same offense.

D. Standards of Conduct: 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 and will result in conduct action and, in appropriate cases, referral to University or other law enforcement
personnel, and/or other University officials, for investigation.

Violation of any of the standards of conduct may, depending on the facts of the case and the student or group’s conduct history, result in sanctions including suspension or expulsion. Violation of certain standards, including any incident involving the harm or threat of harm to another, a violation of the University’s Weapons Policy, the distribution or possession for purpose of distribution of any controlled substance or illegal drug, hazing, the initiation of fire, sexual misconduct and sexual assault, stalking, dating and intimate partner violence, or sexual harassment may result in serious sanctions such as suspension or expulsion.

In any case when the Student Conduct Administrator or designated representative determines that a violation may result in suspension or expulsion, whether because of the facts of the case or because of the student or group’s conduct history, that case generally shall be heard by a hearing board if not resolved through a pre-hearing conference with the Student Conduct Administrator or designee. At the Vice President for Student Affairs’ discretion and if the responding student and complainant consent, the case may be heard through an Administrative Hearing.

As set forth in the University’s Parental Notification Policy and as permitted by FERPA, parents or guardians of students found to have violated certain standards of conduct, including those standards related to drugs or alcohol or involving acts of violence, may be notified.

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 or ammunition, use of an item in a manner that poses a potential hazard to the safety or health of others, and/or violation of the University’s Weapons Policy.

4. Unauthorized use and/or possession of any controlled substance or illegal drug.

5. Unauthorized use and/or possession of any drug paraphernalia. The term “drug paraphernalia” broadly includes any material, product, instrument, or item used to create, manufacture, distribute, use, or otherwise manipulate any drug and includes, but is not limited to, pipes, bongs, and hookahs.

6. Distribution or possession for the purpose of distribution of any controlled substance or illegal drug.

7. Use, possession, or distribution of alcoholic beverages in violation of the Tulane Alcohol Beverage Policy.
8. Hazing. Hazing includes, but is not limited to, acts of servitude and/or behavior that humiliates, degrades, embarrasses, harasses or ridicules an individual, or otherwise is harmful or potentially harmful to an individual's physical, emotional, or psychological well-being, as an actual or apparent condition for initial or continued affiliation with any group. A student violates this standard regardless of either the lack of intent to cause harm or the hazed individual's own willingness to participate. Unless affirmative steps were taken by the responding student to prevent the hazing behavior, conduct charges may be brought against the group, officers of the group, and members of the group who are deemed to have encouraged the behavior, in addition to any conduct action against persons who engaged in the hazing behavior.

9. Initiating or causing to be initiated a fire, explosion, or other emergency.

10. Initiating or causing to be initiated any false report or warning of fire, explosion or other emergency.

11. Inappropriate use of safety, emergency, or firefighting equipment or any other violation of Tulane's Fire Safety Procedures.

12. Furnishing false information to the University or to a University official.

13. Acts of fraud or attempted fraud, including but not limited to acts of fraud committed by forgery, by alteration or use of University documents, records, or identification, or by other means.

14. Unauthorized access or use of computer equipment, networks, software or data, including violation of the Tulane Computer Services policies.

15. Interference with the freedom of expression of others.

16. Theft of property or services or knowing possession of stolen property.

17. Damage to or vandalism of the property of others, including University property.

18. Failure to comply with the directions of University officials, including campus police officers, acting in the performance of their duties.

19. Harassment, intimidation, or cyberbullying.

20. Lewd or obscene conduct.

21. Abusive, disruptive, or disorderly conduct.

22. Violation of other University principles, policies, or rules, including but not limited to Tailgating or game day policies, policies of the Office of Fraternity &
Sorority Programs, policies of the Office of Student Programs, 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.

23. Conviction of violation of federal, state, or local laws, when the University has an identifiable interest.

24. Joint responsibility, which includes action in collusion with another to violate the Code of Student Conduct or inaction to prevent, or which condones a known, imminent violation of the Code of Student Conduct.

25. Creating or contributing to disruptive behaviors which jeopardize the relationship between the University and the greater community.

26. Discrimination or harassment in employment practices or educational programs/activities on the basis of race, color, sex, religion, national origin, age, disability, genetic information, sexual orientation, gender identity, gender expression, pregnancy, marital status, military status, veteran status, or any other status or classification protected by federal, state or local law.

27. Sexual and/or gender-based harassment and violence & related personal violence or abuse, including sexual assault, stalking, intimate partner violence, and sexual harassment. For full definitions of these terms, see Section III.E.

28. Acts of retaliation against any person or group who is engaged in activity protected under this Code of Conduct, such as reporting concern, acting as a witness, or otherwise participating in the investigation process.

E. Sexual and/or gender-based harassment and violence & related personal violence or abuse under this section (hereafter “sexual and/or gender-based misconduct”) is prohibited regardless of the sex, sexual orientation, and/or gender identity/expression of the reporting party or respondent. Criminal and other applicable state laws may use different definitions.

Prohibited conduct under this section encompasses sexual misconduct and related interpersonal misconduct. Sexual misconduct is a broad term used in the Code to encompass unwelcome or unwanted sex or gender-based conduct and/or behavior of a sexual nature that is prohibited by the University and may also be prohibited by federal and state law, including Title IX. This category defines the prohibited behaviors of sexual and/or gender-based harassment, sexual assault, and sexual exploitation.

Related interpersonal misconduct encompasses additional behavior that can occur irrespective of sexual or gender-based motives, like stalking and intimate partner violence. This conduct is prohibited by the University and may also be prohibited by federal and state law, including Title IX and the Violence Against
1. Sexual or Gender-Based Harassment

   Sexual Harassment is any unwelcome sexual advance, requests for sexual favors, and other unwanted conduct of a sexual nature (whether verbal, physical, electronic, or otherwise) when the conditions outlined in (A) and/or (B) below, are present.

   Gender-Based Harassment is any act of verbal or non-verbal physical aggression, intimidation, or hostility based on sex, sex-stereotyping, sexual orientation, or gender identity/expression, even if the acts do not involve conduct of a sexual nature when the conditions outlined in (A) and/or (B) below, are present.

   a. Submission to or rejection of such conduct is either an explicit or implicit term or condition of, or is used as the basis for decisions affecting, an individual's evaluation of academic work or advancement in a University program or basis for participation in any aspect of a Tulane University program or activity (quid pro quo); and/or

   b. Such conduct has the purpose or effect of unreasonably interfering with an individual's learning, working, or living environment; in other words, it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile, or offensive learning, working, or living environment under both an objective and subjective standard (hostile environment).

A hostile environment can be created by anyone involved in a university program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

- The frequency, nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the reported victim's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the reported victim's educational or work performance and/or University programs or activities; and
- Whether the conduct implicates concerns related to
academic freedom or protected speech.

Sexual Assault, Sexual Exploitation, Intimate Partner Violence, or Stalking as defined below by this Policy may constitute Sexual or Gender-Based Harassment.

2. Sexual Assault

   Sexual Assault consists of (a) Sexual Contact and/or (b) Sexual Intercourse that occurs without (c) Consent.

   a. Sexual Contact is any intentional sexual touching, however slight, with any object or body part (as described below), performed by a person upon another person. Sexual Contact includes, but is not limited to:
      i. Intentional touching of the breasts, buttocks, inner thighs, groin, or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and
      ii. Making another touch you or themselves with or on any of these body parts.

   b. Sexual Intercourse is any penetration, however slight, with any object or body part (as described below), performed by a person upon another person. Sexual Intercourse includes:
      i. Vaginal penetration by a penis, object, tongue, or finger;
      ii. Anal penetration by a penis, object, tongue, or finger; and
      iii. Contact between the mouth of one person and the genitalia of another person.

   c. Consent is knowing and voluntary permission, expressed clearly in words or actions, to engage in mutually agreed upon sexual activity. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement

      • Knowing: Consent must demonstrate that all individuals understand, are aware of, and agree to the “who” (same partners), “what” (same acts), “where” (same location), “when” (same time), and “how” (the same way and under the same conditions) of the sexual activity.

      • Voluntary: Consent must be freely given.

      • Expressed clearly in words or actions: Consent should articulate a person’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not – in and of themselves – be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or
acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.

- Mutually agreed upon sexual activity: Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Past consent for sexual activity does not imply consent for any future sexual activity.

- Each stage: Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

Consent cannot be given if any of the following are present: Force, Coercion, or Incapacitation.

- Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. There is no requirement that a party resist the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

- Coercion is unreasonable pressure for sexual activity. Coercion is more than an effort to persuade, entice, or attract another person to have sex. Conduct does not constitute coercion unless it impairs an individual's freedom of will to choose whether to participate in the sexual activity.

- Incapacitation: Incapacitation. An individual who is incapacitated is not able to make rational, reasonable judgments and therefore is incapable of giving consent. Incapacitation is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, due to an intellectual or other disability that prevents the student from having the capacity to give consent, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators that an individual is incapacitated due to intoxication may include, but are not limited to, vomiting,
unresponsiveness, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, lack of awareness of circumstances or surroundings, or inability to perform other physical or cognitive tasks without assistance.

The standard that will be applied is whether the responding student knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity.

The University considers sexual contact while under the influence of alcohol or drugs to be risky behavior. Alcohol and drugs impair a person's decision-making capacity, awareness of the consequences, and ability to make informed judgments. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not excuse one from the responsibility to obtain consent.

3. Sexual Exploitation
   Sexual Exploitation is an act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio- or videotaping of sexual activity, prostituting another person, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without their knowledge.

4. Intimate partner violence
   Intimate partner violence is any act or series of acts of actual or threatened violence against a person with whom the individual is or has been involved in a sexual, domestic, or dating relationship when used as a method of coercion, control, punishment, intimidation, or revenge. This includes verbal or electronic threats, physical assault, stalking, or property damage. Prohibited Conduct under this definition includes acts or threatened acts of violence or harm towards others, including pets.

   Tulane prohibits this conduct regardless of the sex/gender of the individuals involved. Intimate partner violence can occur in all types of romantic, intimate and/or sexual relationships (e.g. those in same sex/gender or different sex/gender relationships). Intimate partner violence can occur at any stage in a relationship, including after the relationship has ended.

5. Stalking
   Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear and/or threaten their safety, mental
health or physical health. This includes behaviors or activities occurring on more than one occasion that collectively would reasonably instill fear in the reported victim and/or threaten their safety, mental health or physical health. Examples of behaviors that may constitute stalking include, but are not limited to, non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, written letters, gifts, or any other communications that are undesired and place another person in fear. Use of online, electronic, or digital technologies, or pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the reported victim could also constitute stalking.

6. Amnesty for Reporting
Tulane has a vested interest in encouraging its community members to report incidents of sexual and/or gender-based misconduct that they have experienced, directly witnessed, or have knowledge of to ensure that reported victims receive the support they need and the community can respond to this behavior.

To this end, the University may offer amnesty to reporting parties, witnesses, and other individuals who may be hesitant to report or share information because of a fear that they themselves may be accused of policy violations, like underage drinking or drug use, that occurred at the time of the incident. If amnesty is offered, no conduct proceedings or conduct record will result from a student's disclosure of such information, though educational options around drug and alcohol use may be explored.

7. Remedial Measures and Reasonable Accommodation
The University offers a wide range of resources for Students, whether as reported victims or responding students, to provide support and guidance throughout the initiation, investigation, and resolution of a report of violation of the Standards of Conduct. The University will offer reasonable and appropriate measures to protect a reported victim and facilitate the reported victim’s continued access to University employment or education programs and activities. These remedial measures may be accommodations (designed to address a reported victim’s safety and well-being and continued access to educational opportunities) or protective (involving action against a responding student). Remedial measures, which may be temporary or permanent, may include No Contact Orders, residence modifications, academic modifications and support, on-campus work schedule modifications, and interim disciplinary suspension (see Section IV). Remedial measures are available regardless of whether a reported victim pursues a report or investigation under this policy. The University will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures. The Vice President of Student Affairs or designee has the discretion to impose and/or modify any interim measure based on all available information, and is available to meet with a reported victim or
responding student to address any concerns about the provision of temporary or permanent remedial measures.

The University will provide reasonable remedial and protective measures to Third Parties as appropriate and available, taking into account the role of the Third Party and the nature of their relationship with the University.

F. The following considerations may pertain to the charging process.

1. Attempts and accomplices: Attempts to commit acts prohibited by the Code may be held responsible to the same extent as actual violations. Accomplices in acts prohibited by the Code may be held responsible as violators.

2. Behavior Relating to Both Health and Conduct: Medical or psychological conditions may not serve as a defense for misconduct and are only relevant as a potential mitigating factor in determining sanctions.

3. Student Groups and Organizations: Registered and unregistered student groups or organizations may be charged with violations of the Code. Officers, or other leaders or spokespersons, are responsible for the conduct of their members at events recognized and sponsored by the group or organization if and only if the leader or spokesperson has implicitly or explicitly endorsed any violation of the Code. A student group or organization and its officers may be held collectively or individually responsible for violations of the Code by those associated with the group or organization. Charges against a student group for violation of the Code are subject to the same procedure as charges against a student. Further, 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. This section supplements the provisions governing groups and their officers and members set forth in Section III.D.9.

4. Responsibility of Student Hosts: A student host may be held responsible for violations of the Code by guests if and only if the host has implicitly or explicitly endorsed the conduct violation of their guest. This responsibility includes ensuring that guests comply with the Code.

5. Traffic Violations: Violations of traffic regulations on campus are handled by the Department of Public Safety and generally are not considered to be conduct matters. If a student fails to cooperate with this office, they may be referred to the Vice President for Student Affairs or designated representative for conduct action.
IV. Sanctions

A. Interim Action: Pending the resolution of a conduct proceeding, the Vice President for Student Affairs or designated representative has sole discretion and final authority to take interim action, without prior notice, for reasons relating to the safety or welfare of students, faculty or staff; the protection of University property; the maintenance of public order; the preservation of the University’s reputation; and the effective continuation of University operations and the educational process. Interim action may include, but is not limited to, suspension; restrictions on University privileges, access, and activities; removal from or relocation within courses; or removal from or relocation within University housing. The Vice President for Student Affairs or designated representative also may make an administrative referral to the Student Health Center.

A student placed on interim suspension will be given 24 hours to present information in writing to the Vice President for Student Affairs or designee in support of a claim that the terms of the interim suspension should be modified. The Vice President for Student Affairs or designee has sole discretion and final authority to modify or confirm the interim suspension. The terms of the interim suspension will remain in effect unless they are modified in writing.

A student suspended on an interim basis will be scheduled by the Student Conduct Administrator or designated representative for a hearing at the earliest possible time. Interim actions are not a finding that the responding student or group violated the Code.

B. Sanctions: The following sanctions may be imposed, singly or in combination, for Code violations of standards of conduct. The listed sanctions are not exhaustive, and other sanctions may be imposed as appropriate, in the judgment of the responsible University official identified in this Code, to the circumstances of a given case.

Circumstances that bear on the severity of the sanction may include the present demeanor and conduct record of the offender, the nature of the offense, and the extent of harm resulting from it. Sanctions may be increased if the responding student or group intentionally commits the violation because of the actual or perceived race, sex, color, religion, national origin, age, disability, genetic information, sexual orientation, gender identity, gender expression, pregnancy, marital status, military status, veteran’s status, or other legally proscribed characteristic of any person.

The Senior Vice President for Academic Affairs and Provost and Vice President for Student Affairs jointly have discretion to impose, approve, alter, defer, decrease, or withhold any sanction of expulsion, revocation of admission and/or degree, and dissolution of a student group. The Vice President for Student Affairs has final decision making authority in all other cases, and has discretion to impose,
approve, alter, defer, increase, decrease, or withhold any sanction other than expulsion, revocation of admission and/or degree, and dissolution of a student group.

1. Expulsion of Student. The student is permanently separated from the University. Notification of the date of expulsion will appear on the student’s transcript. The student will be barred from University activities, services, facilities, and grounds.

The Vice President for Student Affairs and Senior Vice President for Academic Affairs and Provost or designated representative review all recommendations of expulsion. Expulsion may be approved, altered, deferred or withheld at the discretion of the Vice President for Student Affairs and Senior Vice President for Academic Affairs and Provost or designated representative.

2. Revocation of admission and/or degree. Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation or other violation of University standards in obtaining the admission or degree or for other serious violations committed by a student prior to graduation. Notification of the date of revocation will appear on the student’s transcript.

The Vice President for Student Affairs and Senior Vice President for Academic Affairs and Provost or designated representative review all recommendations of revocation of admission and/or degree. Revocation may be approved, altered, deferred or withheld at the discretion of the Vice President for Student Affairs and Senior Vice President for Academic Affairs and Provost or designated representative.

3. Suspension of Student. Suspension is defined as a complete separation from University activities, services, facilities, and grounds for a designated period of time as set forth below. A suspended student may not obtain academic credit at Tulane or elsewhere toward completion of a Tulane University degree.

Suspension may be of two types:

a. Term suspension shall be for a specified time, after which the suspended student may return to the University.

b. Conditional suspension shall be for a specified time, after which reentry to the community will be granted on the fulfillment of certain conditions by the student. Failing to fulfill the stipulated conditions within the designated time frame may result in permanent dismissal from the University. Reentry to the community shall be subject to confirmation by the Vice President for Student Affairs or designated representative that the student has fulfilled the conditions.

The Vice President for Student Affairs 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. If the Vice President of Student Affairs determines that a
recommendation of suspension should be changed to expulsion, they
may recommend to the Senior Vice President for Academic Affairs and
Provost that the sanctions be increased.

4. Dissolution of Student Group. The student group is dissolved for the period of
time specified by the University, loses all University recognition and privileges,
and is barred from University activities, services, facilities, and grounds. At the
end of this period, the student group may reapply for recognition by the
University.

The Vice President for Student Affairs and Senior Vice President for Academic
Affairs and Provost or designated representative review all recommendations
of dissolution of a student group.

Dissolution of a student group may be approved, altered, deferred or
withheld at the discretion of the Vice President for Student Affairs and Senior
Vice President for Academic Affairs and Provost or designated
representative.

5. Suspension of Student Group. The student group loses all University
recognition and privileges and is barred from University activities, services,
facilities, and grounds for a specified period of time or until it fulfills certain
conditions. Reentry to the community shall be subject to confirmation by the
Vice President for Student Affairs or designated representative that the
student group has fulfilled the conditions.

The Vice President for Student Affairs reviews all recommendations of
suspension of a student group. Suspension of a student group may be
approved, altered, deferred or withheld at the discretion of the Vice
President for Student Affairs or designated representative. If the Vice
President of Student Affairs determines that a recommendation of suspension
should be modified to dissolution, they may recommend to the Senior Vice
President for Academic Affairs and Provost that the sanctions be increased.

6. Loss of privileges. The student or group is denied specified privileges, which
may include, but are not limited to, participation in intercollegiate/intramural
athletics, student organizations, student government, dining services or
current classes, restriction on course registration, and/or a no-contact order
prohibiting direct or indirect contact with one or more specified person or
group.

7. Facility expulsion. The student has lost the privilege of entering and/or residing
in one or more particular facilities or buildings at any time.

8. Facility suspension. The student no longer has the privilege of entering and/or
residing in one or more particular facilities or buildings for a specified period of time or until a specified condition is met. Reentry to the community shall be subject to confirmation by the Vice President for Student Affairs or designated representative that the student has fulfilled the conditions.

9. 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.

10. Deferred suspension. A status, imposed in response to repeated acts of misconduct or to incidents that may be serious enough to merit suspension but where specific mitigating factors exist, in which a student is given a specific period of time to demonstrate the ability to abide by the community standards and expectations or face an immediate suspension of a designated period of time. If a student on deferred suspension is found in violation of any act of misconduct after an opportunity to be heard (or otherwise fails to comply with specified conditions or requirements), the period of suspension takes effect immediately without review. Unless otherwise specified, the period of suspension will be for one semester. Additional student conduct sanctions appropriate to any new act of misconduct, including an additional period of suspension, may also be imposed.

While a student is on deferred suspension, the student or group is not in good standing. A student who is not in good standing cannot hold office in a student organization, join a fraternity or sorority, become a resident advisor, or study abroad. The Student Conduct Administrator will send a copy of the notice to the student's academic Dean. If the student is an undergraduate, the Student Conduct Administrator will also send an additional copy to the Dean of Newcomb-Tulane College.

11. Disciplinary probation. The student or group is notified that their behavior is not congruent with the Code of Student Conduct and will be given a period of time to demonstrate that they can abide by Tulane's behavioral standards. If at the end of the specified time period no further violations have occurred, the student or group is removed from probationary status.

During the probationary period, the student or group is not in good standing and is sent a letter of warning that further acts of misconduct will be subject to further conduct action and may result in suspension or expulsion from the University. A student who is not in good standing cannot hold office in a student organization, join a fraternity or sorority, become a resident advisor, or study abroad. The Student Conduct Administrator will send a copy of the notice to the student's academic Dean. If the student is an undergraduate, the Student Conduct Administrator will also send an additional copy to the Dean of Newcomb-Tulane College.
12. Warning Period. The student or group is notified that their behavior is not congruent with the Code of Student Conduct or Housing and Residential Life's Community Living Standards. The student or group will be given a period of time to demonstrate that they can abide by Tulane's behavioral standards. The student or group is informed that the outcome letter will serve as a final warning that further violations of the Code of Student Conduct or Community Living Standards will result in progressive sanctioning, which may include removal from the residence halls, the imposition of disciplinary probation, or more serious sanction. The student or group is informed that students and groups on disciplinary probation are not in good standing with the University and may not join a fraternity or sorority, hold an office within a student organization, or study abroad.

13. Admonition. A written notice indicating that the student's behavior violates the Code of Conduct and/or Housing and Residential Life's Community Living Standards. The resolution of this case will not become part of the student or group's external disciplinary record unless there is a subsequent university policy violation.

14. Educational projects or programs.


16. Uncompensated University/Community service.

17. Restitution. The student or group is required to pay a specified monetary reimbursement for damage to University property, misappropriation of University property or services, or minor damage to the property of individuals or groups within the University community.

18. Fines.

C. Compliance with Sanctions. In the event that the Student Conduct Administrator or designated representative finds in their discretion and without a hearing that a student has failed timely to comply with a sanction imposed or an administrative referral made in the conduct process, the Student Conduct Administrator or designee may without further process impose sanctions, up to and including suspension, revocation of admission and/or degree, or expulsion. A student sanctioned under this section may within two (2) business days thereafter request a review, which may be conducted in the discretion of the Vice President for Student Affairs or designated representative. If the Vice President for Student Affairs or designee conducts a review, they shall have final authority for the University with respect to disposition of the matter. Although subject to the possible exercise of that authority, sanctions under this section shall be effective on the date specified in the written notice to the student.
V. Overview of the Student Conduct System and Definitions of Roles

A. Administrators of Code: Personnel with responsibility to enforce the Code include the following officials and groups:

1. Student Conduct Administrator: The Student Conduct Administrator is appointed by the Vice President for Student Affairs. The Student Conduct Administrator or designated representative is responsible for meeting with members of the University community who have filed or wish to file a report of an alleged violation of the Code. The Student Conduct Administrator or designated representative advises students who wish to file a report and those who are charged with violating standards of the Code of their rights and responsibilities. The Student Conduct Administrator oversees the administration of the Code of Conduct and may serve in any role identified below. The Student Conduct Administrator coordinates the University’s mediation efforts.

2. Student Conduct Officers: Student Conduct Officers are appointed by the Vice President for Student Affairs or designated representative. Student Conduct Officers may be a member of the Tulane faculty or staff or an external consultant. Student Conduct Officers conduct pre-hearing conferences with responding students; implement the restorative resolution process; conduct administrative hearings on cases accepted by the Student Conduct Administrator; serve as investigators to investigate cases and present findings to the Hearing Board; and chair Hearing Boards when directed by the Student Conduct Administrator.

3. The Hearing Board Pools:
   a. Faculty: The faculty pool shall consist of eighteen (18) faculty members: five from the School of Liberal Arts; four from the School of Science and Engineering; two each from the A.B. Freeman School of Business 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 and Provost or designated representative. All members of the faculty pool shall attend training on the standards of conduct, sanctions, and the student conduct system.

   b. Students: The student pool shall be constituted in parallel numbers to the composition of the faculty pool. Members will be appointed by the Vice President for Student Affairs or designated representative. All members of the student pool shall attend training on the standards of conduct, sanctions, and the student conduct system.

   c. Staff: The staff pool shall consist of at least nine staff members. Members will be appointed by the Vice President for Student Affairs or designated
representative. All members of the staff pool shall attend training on the standards of conduct, sanctions, and the student conduct system.

d. All Hearing Board Pool members will receive training on issues relevant to deciding conduct matters.

B. Privacy: All participants in the process, including the responding student or group, the reported victim, witnesses, hearing board members, and staff members are expected to keep private all proceedings and documents under this Code. Any breach of privacy, unless required by law, may subject the responsible party to charges under this Code. The University cannot guarantee complete confidentiality to a reported victim, notably where confidentiality would conflict with the University’s obligation to investigate or with the University’s obligations under any federal, state, or local law. Individuals who desire a confidential setting to report acts of misconduct or to clarify whether to proceed with a report may want to consult with a counselor or therapist, either on campus at Tulane’s Counseling and Psychological Services Office or in the community, Tulane’s Sexual Assault Peer Health Educator Hotline, or member of the clergy, who is permitted by law and/or University policy to assure greater confidentiality. Tulane’s Student Health Center is also a confidential resource. For detailed contact information of confidential resources both on and off-campus, please visit http://tulane.edu/studentaffairs/violence/sexualassault/.

The University maintains conduct files as education records of both the reported victim and the responding student in accordance with FERPA.

C. Filing a Report: Any person with information suggesting that a violation of the Code of Student Conduct has been committed may make a report by contacting the Office of Student Conduct or by filing an electronic report at http://tulane.edu/concerns.

There is no time limit on reporting violations of the Code of Student Conduct as long as the responding student is still enrolled at Tulane University; however, the longer someone waits to report an offense, the more difficult it becomes for Tulane’s staff to properly investigate and adjudicate the alleged violations.

D. Serving as a Complainant: Any member of the Tulane community whose rights allegedly have been violated may serve as a complainant in the student conduct process, which will entitle them to certain rights as specified in Section II.B. The complainant must inform the Office of Student Conduct in writing in advance of the hearing of their desire to serve as the complainant. The complainant must either submit a written report with the name of the student alleged to be responsible and a specific description of the misconduct or make themselves available to the University Investigator.

The University reserves the right to initiate a report without a complainant and to initiate conduct proceedings without a formal report by the reported victim of the alleged misconduct. These circumstances may include the presence of
factors that indicate a threat to the community are present, e.g., the use of a weapon, previous allegations or findings of serious misconduct by the respondent, etc.

The University opens an inquiry into all reports that it receives. The Student Conduct Administrator, or designated representative, may close an inquiry if there appears to be insufficient evidence to support issuing charges, or if the substance of the report falls outside the jurisdiction or parameters of the Code of Student Conduct. In the event that the decision is made to close the inquiry, a reported victim may request a discretionary review by the Vice President for Student Affairs or designated representative; in sexual and/or gender-based misconduct, the reported victim may request a discretionary review by the Title IX Coordinator. If the Vice President for Student Affairs, Title IX Coordinator, or designee determines that there is not sufficient cause to re-open the investigation of the report within five (5) business days of the request, the Student Conduct Administrator or designee’s decision to refuse further investigation shall be final.

Reports that are deemed to have sufficient information on possible violations of the Standards of Conduct and are within the Code’s jurisdiction will proceed to the University’s fact-finding investigation and resolution process, set forth below.

E. Notice of the Report and Hearing. The Student Conduct Administrator or designated representative will notify the student alleged to have engaged in prohibited conduct – hereafter referred to as “the respondent” or “the responding student/organization” -- in writing of the charges and will inform the responding student of their rights. A pre-hearing meeting with the responding student will take place three (3) or more business days after the student or group is sent written notice of the allegations or earlier in the discretion of the Student Conduct Administrator. Unless agreed to by the respondent and the reported victim, a hearing may be scheduled no less than five (5) business days after the responding student or group is sent written notice of the charges and their rights.

F. Processes for Resolving Cases: Cases may be resolved informally or formally. The informal process includes resolution through a Restorative Resolution Process, Mediation, or Pre-Hearing Conference. The formal resolution process includes resolution through an Administrative Hearing or the Hearing Board. In all cases, responding students or groups may elect to proceed through an informal process or to request that the matter proceed through the formal process.

If the Student Conduct Administrator or designee determines that the charged conduct may result in a sanction of expulsion or suspension, either because of the nature of the conduct or the student or group’s conduct history, that matter generally shall be heard through a hearing board if it is not resolved informally. At the Vice President for Student Affairs’ discretion and if the responding student and complainant consent, that case may be heard through an Administrative Hearing.
G. Process when Multiple Students Charged: Several students charged with the same misconduct occurring at the same time and place may be charged and their cases heard together. Each student in such a hearing shall be afforded all of the rights provided for in Sections II and VII, including, but not limited to, the right to identify witnesses and/or present evidence that supports the student’s claim that they did not violate the Code. A request to have a separate hearing may be granted to any one or all the responding students, at the discretion of the Student Conduct Administrator or designated representative. In the event the Student Conduct Administrator or designated representative denies the request for a separate hearing, the affected student(s) may appeal the decision to the Vice President for Student Affairs and Senior Vice President for Academic Affairs and Provost within three (3) business days of receiving the Student Conduct Administrator or designated representative’s decision. Late appeals will not be considered. In assessing the appeal, the only issue the Vice President for Student Affairs and the Senior Vice President for Academic Affairs and Provost will assess whether or not the student lodging the appeal will be unfairly prejudiced by not having his or her case heard individually.

In sexual and/or gender-based misconduct, should it be the case that multiple reporting parties allege misconduct arising from one occurrence, or multiple responding parties are identified by one reporting party, the University will typically consider such allegations to give rise to a single investigation and resolution, where findings will be made specifically as to each allegation and as to each responding party. It may also be the case that multiple reporting parties separately allege similar or pattern conduct by the same responding party, without knowledge of the other allegations. It is University policy to share information between reporting parties, where it is necessary to address and remedy pattern misconduct. At the discretion of the Title IX Coordinator, such investigations usually proceed separately on each reporting party’s allegation(s), to a point where the investigations may be conjoined if a pattern is apparent. Typically, the resolution process may resolve similar allegations against the same responding party jointly, though separate specific findings are made with respect to each reporting party’s allegation(s).

H. Interaction with Local, State, and Federal Authorities: Students may be separately accountable to local, state or federal authorities and to the University or others for acts that constitute violations of the law and of the Code. Conduct action at the University may proceed during pending criminal investigations or criminal or civil proceedings involving the same incident that resulted in charges under the Code, and conduct action will not be subject to change based on the outcome of external investigations or proceedings. Other than in cases involving sexual and/or gender-based personal violence, as defined in Section III.E, a responding student may request that the University hold any conduct action until a pending criminal investigation or proceeding is resolved. The Vice President for Student Affairs or designated representative has sole discretion and final authority to grant or deny the request.
If the request is granted, appropriate interim action shall be imposed on the responding student as a condition of granting the request in the sole discretion of the Vice President for Student Affairs or designated representative. If the request is granted, no Tulane transcript will be released or degree awarded until the conduct charges are resolved. The University normally will resume the conduct process after a resolution in the trial court, but reserves the right to resume the conduct process at any time. All students accused of criminal conduct are advised to seek legal counsel.

I. Transcripts: Pending the resolution of a conduct proceeding, the Student Conduct Administrator or designated representative has sole discretion and final authority to determine whether the nature and severity of the charged conduct may result in a sanction requiring permanent notification on the responding student’s transcript. If the Student Conduct Administrator or designee determines that the charged conduct may result in a sanction requiring permanent notification on the responding student’s transcript, then the University shall withhold the student’s transcript and award of a degree until the charge is resolved; the Student Conduct Administrator or designee may authorize release of the transcript with a temporary notification of the pending conduct proceeding. Even if the charged conduct would not result in permanent notification on the student’s transcript, the Student Conduct Administrator or designated representative may require a responding student who is no longer enrolled at the University to resolve the charge and satisfy any sanction(s) before receiving a transcript or degree.
VI. Informal Process

A. Overview of Informal Process: In some cases, students or groups may elect to proceed through an informal process. If the matter is resolved through one of the informal processes set forth below, the responding student or group waives their right to appeal.

B. Pre-Hearing Conference: In all cases, the student or group may accept responsibility for the alleged violation at a pre-hearing conduct conference. In this case, the conduct officer will propose an appropriate sanction. If the student or group agrees to the proposed sanction, the student or group waives their right to a hearing and appeal, the resolution becomes final, and the outcome is recorded on the student's or group's conduct history.

If the student or group accepts responsibility but is unable to agree on the proposed sanction, the case will be forwarded to a formal hearing to determine an appropriate sanction.

If the student or group denies responsibility, the case will be forwarded to a formal hearing to determine responsibility and, if necessary, sanction.

In cases of sexual and/or gender-based misconduct that are suitable for informal resolution, if the respondent requests a Pre-Hearing Conference but one or both parties does not accept the proposed sanction, the case will be forwarded to a formal hearing to determine an appropriate sanction.

In all pre-hearing conferences, students will be informed of their rights under the Code of Student Conduct, which includes the right to proceed through the formal hearing process.

C. Restorative Resolution Process: The Student Conduct Administrator or designee may refer certain low-level, first-time offenses to the Restorative Resolution Process. In this process, the student or group accepts responsibility for the alleged conduct and engages in a process of self-reflection. Both the student or group and the Student Conduct Administrator or designee recommend appropriate sanctions. If the Student Conduct Administrator or designee determines that the student or group has complied with the process, the sanctions are imposed. After the student or group has complied with the sanctions, the matter is closed and the conduct does not create a conduct record for that student or group. If the student or group fails to comply with the process or sanctions, formal conduct charges may be issued.

Mediation: Mediation is a collaborative and private 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 can take place in lieu of an administrative hearing when all parties involved have agreed to mediation, pending the approval of the Student...
Conduct Administrator or designated representative. Mediation may be offered by the Student Conduct Administrator as an alternative to a conduct hearing for all alleged offenses which do not involve drugs, repeat alcohol violations, violence, a threat of violence, sexual and/or gender-based misconduct (including sexual assault), or any matter which in the sole discretion of the University gives rise to a safety concern. It is an alternative to filing formal charges and does not result in a conduct finding.
VII. **The Formal Hearing Process**

A. **Jurisdiction, Composition, and Authority for Formal Hearing Process:**

1. **Administrative Hearings**
   - **Jurisdiction**
     Violations when the Student Conduct Administrator or designated representative determines that no individual sanction for the responding violation will lead to suspension, expulsion or revocation of admission and/or degree.
   - **Heard By**
     Student Conduct Officer.
   - **Sanctions**
     The Student Conduct Officer may recommend any sanction consistent with the Code, except suspension, expulsion, or revocation of admission and/or degree.

2. **Hearing Boards**
   - **Jurisdiction**
     Violations when the Student Conduct Administrator or designated representative determines that an individual sanction for the responding violation may lead to suspension, expulsion or revocation of admission and/or degree.
   - **Heard By**
     One student member, one faculty member, and one staff member selected from the pools for Hearing Boards by the Vice President for Student Affairs or designee, with the Student Conduct Administrator or designated representative serving as non-voting chair. At the discretion of the Vice President for Student Affairs and if the responding student and the reported victim consent, the Hearing Board may have a different makeup.
   - **Sanctions**
     The Hearing Board may recommend any sanction consistent with the Code.

3. At the Vice President for Student Affairs' discretion and if the responding student and reported victim consent, a violation that may result in suspension, expulsion, or revocation of admission and/or degree may be heard through an Administrative Hearing.

4. Hearings in cases involving sexual and/or gender-based personal violence: In cases involving gender-based personal violence, as defined in Section III.E, the Hearing Board or Administrative Hearing Officer will be drawn from a Hearing Board Pool that has received additional training on issues unique to these types of cases.

B. **Closed Hearings.** All hearings will be closed. Attendance will be limited to the responding student or group and their advisor, the complainant and their advisor, the Hearing Board Members or Conduct Officer, the Investigator, the
Hearing Board Chair, and necessary security personnel if required. A witness will attend the Hearing for their testimony only and will be excused after their testimony is complete. If the responding student and complainant consent, a Conduct Officer may observe a hearing for purposes of training.

C. Standard of Proof. To be found responsible for violating the Code of Student Conduct, the evidence must establish that the violation was committed by the responding student or group by a preponderance of the evidence (not beyond a reasonable doubt or by clear and convincing evidence). In other words, the evidence must establish that it was more likely than not that the student committed the alleged violation.

D. Admissible Evidence: Formal rules of evidence shall not be applicable. Irrelevant evidence will be excluded. In cases concerning sexual and/or gender-based personal violence, as defined in Section III.E, or questioning regarding a reported victim's prior sexual conduct with anyone other than the responding student may not be offered by anyone other than the reported victim unless offered by to prove that someone other than the defendant was the source of physical evidence or if introduced to counter something the victim has placed in controversy.

E. Failure to Appear for Hearing. A student or group who fails to appear for their hearing after proper written notice will be deemed to have waived their right to present a defense to the charges. Hearings will proceed in absentia.

F. Administrative Hearing Procedures: If a case is not resolved at a pre-hearing conference and the Student Conduct Administrator determines that it will not result in a sanction of suspension or expulsion, it will be referred to an Administrative Hearing with a Student Conduct Officer. The Student Conduct Officer will review the report with the responding student or group and, when applicable, the complainant. The responding student/group and reported victim will have opportunity to respond to or supplement the report and will have an opportunity to present witnesses and evidence. The Conduct Officer will determine whether the student or group is responsible and, if the student or group is responsible, issue an appropriate sanction. The results of the Administrative Hearing may be appealed to the Appeals Board pursuant to Section VIII.

If, during the Administrative Hearing, the Student Conduct Officer receives information not previously known to the Student Conduct Administrator that may warrant expulsion, suspension, or revocation of admission and/or degree, the Student Conduct Officer will refer the case back to the Student Conduct Administrator.

G. Hearing Board Procedures:

1. Procedural Review. If a case is not resolved at a pre-hearing conference and the Student Conduct Administrator or designee determines that the charged
conduct may result in a sanction of expulsion or suspension, either because of the nature of the conduct or the student or group's conduct history, that matter shall be heard through the formal hearing board. In these cases, the student or group is advised, but not required, to attend a Procedural Review with the Student Conduct Administrator or designated representative. In a Procedural Review, the Student Conduct Administrator or designated representative reviews the charges with the student or group and informs the student or group of the hearing process and their rights during that process.

2. Impartial Board. In Board hearings, the complainant and responding student may challenge Board members on the ground of personal bias. Board members should also disqualify themselves on these grounds. The Student Conduct Administrator or designated representative has final authority to resolve any questions of personal bias. If the student consents to the Board members, they waive the right to challenge any findings on the basis of any personal bias of which they were aware at the time of consent.

3. Order of Hearing. The chair shall exercise control over the hearing to avoid needless consumption of time and/or to prevent the harassment or intimidation of witnesses.

   Any person who disrupts a hearing may be excluded from the proceedings.
   All hearings of a Hearing Board will be recorded by, and only by, the chair.
   All parties and witnesses shall be excluded from the hearing during Board deliberations. Board deliberations will not be recorded.

4. Student Advisor. Advisors may not participate in the proceedings except to advise the reported victim or responding student.

   Investigative Model and the University Investigator: The Investigative Model is a non-adversarial approach to resolving allegations. Each allegation that will be presented to a hearing board is assigned a University Investigator, who is a Conduct Officer who has received special training on conducting investigations. Investigators assigned to allegations involving sexual and/or gender-based personal violence, as defined in Section III.E, receive additional training on issues unique to these types of cases.

5. The Investigator works with all parties involved in the case to conduct an impartial and thorough investigation into the allegations. The Investigator identifies involved parties and witnesses, conducts interviews, and collects all available and relevant information. Based on this review, the Investigator prepares a report summarizing their investigation and presents to the Hearing Board of their investigation; the Investigator is present at the hearing to answer questions about their report to the board and the involved parties. The Investigator does not make a recommendation regarding whether the
respondent is responsible for the charges or, if the student is found responsible, what sanctions should be imposed.

6. Witnesses and Testimony. The responding student and the complainant shall be offered the opportunity to identify their own witnesses and to question one another’s witnesses through the University Investigator and at the Chair’s discretion.

   a. All members of the University community with knowledge of facts pertinent to the case are expected to cooperate fully in student conduct proceedings and investigations. When the complainant or responding student identifies individual(s) in writing to the chair at least five (5) business days before the Hearing, absent exceptional circumstances, the Investigator will interview any witnesses identified by the complainant or responding student, subject to the discretion of the Chair. Subject to the chair’s control over the Hearing, the Investigator will request that members of the University community with relevant information attend the Hearing, if feasible. A witness’s unreasonable failure to cooperate in student conduct proceedings may result in conduct action.

   b. All persons who provide testimony shall be asked to affirm that their testimony is truthful. Furnishing false information to the University may result in the filing of conduct charges against students.

   c. With the approval of the Student Conduct Administrator, a complainant, witness, or victim may give testimony in a campus hearing by means other than being in the same room with the responding student(s).

   d. Prospective witnesses shall be excluded from the hearing during the testimony of other witnesses.

7. Decision of Board. Final decision of the Board shall be by the majority vote of all members present and voting. The final decision may be accompanied by a brief written statement.

8. Sanction Proceeding. In a Board hearing, a determination that the violation was committed by the responding student shall be followed by a proceeding in which the complainant, the responding student, and appropriate University official(s) may submit information or make statements concerning the appropriate sanction to be imposed. In the Student Conduct Administrator or Chair’s discretion, the responding student may submit a limited number of character witnesses, and the complainant may submit a limited number of impact witnesses. The Hearing Board will consider the conduct history of the responding student in the sanction proceeding. The responding student’s conduct history shall not become part of the conduct file and shall not be shared with a student complainant.

9. Review of Sanctions. Unless the Code of Student Conduct provides otherwise,
decisions concerning sanctions are recommendations to the Vice President for Student Affairs or designated representative. Recommended sanctions may be approved, altered, deferred or withheld at the discretion of the responsible University official. If no action is taken on the recommendation within five business days or such longer period as the responsible official designates in writing to the affected parties, the recommended sanction shall be final. All sanctions involving cases of sexual and/or gender-based misconduct will also be reviewed by the Title IX Coordinator prior to the Vice President for Student Affairs making a determination.

10. Timeline. The investigation and hearing process generally will take no more than sixty (60) business days from the date the formal investigation is initiated. This timeline may be extended due to reasonable delays, including but not limited to the following reasons: a reported victim’s reluctance to participate in the investigation or request for other scheduling accommodations; the Investigator’s inability to fully investigate due to matters beyond their control, including the unavailability of witnesses; University closures; in cases other than sexual and/or gender-based personal violence, as defined in Section III.E, the responding student has requested a deferral of the conduct process pending a resolution of criminal proceedings; or the responding student or complainant’s academic schedules would be unduly compromised (for example, during final exam period). Nothing in this Code guarantees a hearing within a specific timeframe.
VIII. The Appeal Process

A. Jurisdiction, Composition, and Authority for Appeals Process:

1. Jurisdiction: The appeal of any finding regarding responsibility or sanctions that is made based on one of the four grounds for appeal set forth below and where the student or group has not waived their right to appeal.

2. Composition: Three members of the pools for Hearing Boards (minimum of one student and one faculty member; the third member may be a student, faculty or staff member) chosen by the Student Conduct Administrator or designee. Appellate panel members may not review a case for which they were on the original Board. The Student Conduct Administrator or designee will appoint a Conduct Officer to chair the Appeal Board. At the discretion of the Student Conduct Administrator and if the responding student and the complainant agree, the Appeals Board may have a different makeup.

3. Authorized Dispositions of Appeals:

a. If the appeal is found to have merit on the grounds that the finding of the Hearing Board was arbitrary and capricious, there is new and significant evidence, or that a procedural error occurred, the case will be referred back to the Student Conduct Administrator, or designated representative, for a new hearing in a manner consistent with the Appeals Board’s finding.

b. If the responding student’s appeal is found to have merit on the ground that the sanction was disproportionate to the conduct, the appeals board may recommend the imposition of sanctions of lesser severity. In cases involving sexual and/or gender-based personal violence, as defined in Section III.E, if the reported victim’s appeal is found to have merit on the ground that the sanction was disproportionate to the offense, the Appeals Board may recommend the imposition of sanctions of greater severity.

These recommendations will be reviewed by the Vice President for Student Affairs and, in the case of recommendations regarding expulsion, revocation of admission or degree, and dissolution of student group, by the Senior Vice President for Academic Affairs and Provost; the Vice President for Student Affairs and/or Senior Vice President for Academic Affairs and Provost will provide a written explanation of their decision to approve, reject, or modify the recommendations of the Appeal Board.

c. If the appeal is found not to have merit, the original findings will be affirmed.

B. Appellate Procedures
1. **Right to Appeal:** Every responding student or group has the right to an appeal on the grounds set forth below. A responding student or group waives that right when they resolve conduct charges through one of the informal proceedings outlined above. A reported victim who has notified the Student Conduct Administrator in writing in advance of the hearing of their desire to serve as a complainant has the right to appeal the finding that the responding student or group is not responsible on the grounds set forth below and, in cases involving sexual and/or gender-based personal violence, as defined in Section III.E, that the sanctions were disproportionate.

2. **Information Considered on Appeal:** The appeals board will have access to (1) the record of the original proceedings; (2) written appeals statements submitted by the parties; and (3) any new evidence that the responding could not have reasonably acquired by the hearing date. When an appeal is based on procedural error, the Student Conduct Administrator or designee may provide any information or documentation relevant to that claim to the Appeals Board. Hearings shall not be conducted by the appellate body.

3. **Grounds for Appeal:** An appeal may be made based only on one or more of the following reasons:

   a. **Procedural Error:** There was a procedural error so great that it is likely to have impacted the decision during the hearing.

   b. **New and Significant Evidence:** New and significant evidence appeared that could not have been discovered by a properly diligent responding student or complainant before or during the original hearing and that could have changed the outcome of the hearing.

   c. **The Finding is Arbitrary and Capricious:** Reading all evidence in the favor of the non-appealing party, the finding was not supported by reasonable grounds or adequate consideration of the circumstances. In deciding appeals, the appeals board is allowed to make all logical inferences and must make any inferences in benefit of the non-appealing party.

   d. **Disproportionate Sanctions:** The sanctions were disproportionate to the findings.

4. **Form of Appeal:** A request for appeal, including a written statement identifying the grounds on which the appeal is based and supporting the appeal, must be submitted in writing to the Student Conduct Administrator, or designated representative, within the later of five (5) business days after receiving notice of the original decision or the date sanctions become final. In exceptional cases, a student may request an extension by writing to the Student Conduct Administrator with a showing of good cause no later than two (2) business days before the deadline; if a request is not granted by the next working day, the original deadline applies.
The written statement in support of the appeal must be detailed and include a statement identifying the specific ground(s) on which the appeal is being made, e.g., the sanction is grossly disproportionate to the offense, the student was denied a fair hearing because of a procedural error, new and significant evidence appeared which could not have been discovered by a properly diligent responding student or complainant before or during the original hearing and that could have changed the outcome of the hearing, or that the finding of a violation was arbitrary and capricious. An appeal made on grounds other than the four grounds set forth above may be rejected as unmeritorious by the Student Conduct Administrator or designated representative. Failure to request an appeal in writing or to provide a written statement in support of the appeal will render the original decision final. The Student Conduct Administrator, or designated representative, will notify the non-appealing party of the request for an appeal. Within five business days of receipt of the notice, the non-appealing party may submit a written statement to be included in the case file. The appeal may proceed without the non-appealing party’s written statement if it is not submitted within the designated time limit.

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

6. Timeframe for Appeal: In cases that were heard by the Hearing Board or in cases involving sexual and/or gender-based personal violence, as defined in Section III.E, the Appeals Board will be scheduled within thirty (30) business days of the responding student and complainant receiving notice of the hearing decision during the academic year barring exceptional circumstances. All other matters will be heard at the next Appeals Board session.
IX.  Records of Conduct Proceedings

Retention of Records: Cases accepted by the Student Conduct Administrator or designated representative will result in the development of a conduct file in the name of the responding student. If the student is found not to be in violation of the Code, the file will be voided and maintained only as an administrative record. If the student is found to be in violation of the Code, the file will be retained as a conduct record. Conduct records resulting in suspension, revocation of admission and/or degree or expulsion will be retained indefinitely. Conduct records resulting in an admonition will be treated as voided upon the student’s graduation or withdrawal from Tulane if the student has no subsequent conduct record and will be maintained only as an administrative record. Administrative records and all other conduct records will be retained for a period of seven years from the date of the final conduct decision.

Request to Void Conduct Records: Conduct 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, with notice to the complainant and reported victim. 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; and (d) the length of time between the incident and the application. Conduct actions, if voided, will not be noted on transcripts. A voided conduct file will be maintained as an administrative record.
X. Interpretation of Code of Student Conduct

Unless the Code of Student Conduct provides otherwise, the Vice President for Student Affairs or designated representative has sole discretion and final authority to resolve all questions of interpretation or application of the Code.
XI. **Revision of Code of Student Conduct**

The Code of Student Conduct should be reviewed by the Vice President of Student Affairs on an annual basis. All proposed revisions must first go before the Committee on the Code of Student Conduct, which shall determine whether the proposed revisions are minor or substantive. This Committee will fall under the purview of the Vice President for Student Affairs, or their designated representative, and shall be comprised of one faculty member, one staff member and three student members, as appointed by the Vice President for Student Affairs for one-year terms. The Student Conduct Administrator shall serve as the non-voting chair. This committee shall convene whenever there is a proposed revision to the Code of Student Conduct and its sole role will be to determine whether the proposed revision is minor or substantive. A minor change is defined as any change that does not affect the intent, workings, or procedures of the conduct process or that is required by federal, state, or local law or regulation. Such minor changes, as determined by the Committee on the Code of Student Conduct, can be made by the Student Conduct Administrator and the Vice President for Student Affairs, based on agreement by both with final review and approval by the Provost. A substantive change, as determined by the Committee on the Code of Student Conduct, is defined as a change that affects the conduct process or student’s rights unless it is required by federal, state, or local law or regulation. The revision process for substantive changes is as follows:

A. The proposed changes are vetted among staff, students, and faculty internal to the conduct process, General Counsel, Provost Staff, Student Affairs senior leadership, and the Student Affairs Committee of the Senate (SACS).

B. SAC reviews and makes recommendations to the University Senate with respect to the proposed changes.

C. The University Senate reviews and acts on the SACS recommendations.

D. The action of the University Senate is forwarded to the Provost for review.

E. The Provost forwards with comment the record of SACS recommendations and University Senate actions to the President’s cabinet.

F. Final approval of proposed substantive revisions to the Code resides with the President’s cabinet.

Revised August 2016