

LOYOLA UNIVERSITY NEW ORLEANS
STUDENT CODE OF CONDUCT
2022-2023

I. PREAMBLE

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

Loyola University New Orleans fully supports and fosters a policy of non-discrimination on the basis of age, color, disability, gender, national origin, race, religion, sexual orientation, and veteran's status, or any other status or classification prohibited by federal, state, or local law.

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

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

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II. INSTITUTIONAL AUTHORITY, JURISDICTION AND RELATED MATTERS

1. Institutional authority

The authority over student behavior involving individuals, groups, and/or organizations rests with the Board of Trustees and is delegated by them to the President of the University. The President delegates authority in matters of non-academic student conduct to the Vice President of Student Affairs (VPSA) to establish and hold student conduct proceedings that will ensure the proper administration of the University's rules and regulations. The VPSA, along with the Director of Student Conduct (DSC), shall oversee the operation of the student conduct system and administration of the Code. The VPSA and the DSC have the right to consider all alleged violation(s) of University policy and determine if a student, student organization or group should be charged with an alleged policy violation(s). The VPSA and/or DSC shall determine the appropriate course of action for all alleged policy violation(s). In exceptional circumstances and at the VPSA's discretion, the VPSA may modify procedures outlined under this Code. In addition, Loyola expressly reserves the right to revise, supplement, or withdraw any policy or portion of a policy from time to time, as it deems necessary.

2. Jurisdiction

Loyola has jurisdiction over violations of the Code on and off University premises, at University sponsored events (virtual or in-person), at events hosted, organized, sponsored, or managed by registered student organizations or groups (virtual or in-person), where students are enrolled full-time, part-time or visiting, on a leave of absence or pursuing undergraduate, graduate, or professional studies or elsewhere when the University has an identifiable interest. The DSC, VPSA, or designated representative has sole discretion to determine the jurisdiction, parameters, and application of the Code. In assessing jurisdictional questions, the DSC, VPSA, 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, dating and relationship violence, or sexual harassment;
- whether the alleged 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 witness statements
- 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 or mission.

3. Interim action and appeals

Pending the resolution of a conduct proceeding, the VPSA or designee 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

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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 VPSA or designee also may make an administrative referral to the University Counseling Center whenever a student's alleged actions may constitute a danger or hazard to the University community or a threat to self or others. Interim actions are not a finding that the student, student organization, or group violated the Code.

A student or student organization placed on interim suspension will be given 48 hours to present information in writing to the VPSA or designee in support of a claim that the terms of the interim suspension should be modified. The VPSA 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.

4. Pending criminal and civil matters

Students may be accountable to both civil authorities and the University for acts which constitute violation(s) of law and of the Code. At the discretion of the DSC or designee in consultation with the VPSA, proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Determinations made or sanctions imposed under the Code will not be subject to challenge on the grounds that civil or criminal charges involving the same incident are pending or have been dismissed, reduced, or resolved in favor of or against the student.

5. Matters of interpretation

Any question of interpretation regarding the Code shall be referred to the DSC or designee for final determination.

6. Code supersedes other regulations

The Code shall supersede any and all regulations and/or decisions made by student groups and/or organizations and their affiliates.

7. Conduct correspondence

Conduct correspondence shall occur via Loyola University New Orleans (loyno.edu) e-mail. Campus mail, U.S. mail, and/or personal hand delivery of letters may also be used if necessary. Students will be held accountable for retrieving mail in a timely manner. Failure to do so is not an acceptable excuse for delaying the conduct process nor is it a basis for appeal.

8. Time limits

A complainant must file a complaint within one year of an alleged incident. A complainant may file a complaint at any time in case(s) of sexual misconduct and sexual assault, stalking, dating and relationship violence pursuant to the University's [Title IX Policy](#).

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9. Knowledge of rules

Students are expected to know and comply with the Code, University policies, and any special instructions and directives announced by the VPSA or designee. Ignorance is not an acceptable justification for committing violation(s) of the Code or other University policies. Lack of intent or awareness of the Code or other University policies will not be accepted as an excuse for violation(s) and will generally receive the same consequence(s) as deliberate violation(s).

10. Definitions

When used in this Code,

- A. ***“Appellate Body”*** refers to the Appellate Officer and University Board of Appeals (UAB), both of which are entities tasked with reviewing submitted appeals pursuant to the appeals process under this Code in order to determine whether to grant or deny submitted appeals.
- B. ***“Applicable Hearing Body”*** refers to either an Administrative Hearing Officer or Student Justice Board (SJB), both of which are entities tasked with adjudicating student conduct cases under this Code.
- C. ***“Campus”*** means all buildings, facilities, and properties that are owned, operated, managed, or controlled by the University, including, but not limited to, buildings or grounds in which students reside and where University food service facilities are located; or facilities operated in the name of any officially registered student organization. This definition is not limited to buildings or grounds owned or leased by the University on Main or Broadway campus.
- D. ***“Code”*** means the Student Code of Conduct.
- E. ***“Complainant”*** refers to the person who filed a complaint to report a violation(s) of this Code. It also includes any person who is reported to have experienced a violation(s) of this Code in case(s) where some other person has made a report on that person’s behalf.
- F. ***“Complaint”*** refers to a report made to the University, whether through any of the University’s reporting forms, of violation(s) of this Code or of violations(s) experienced by an individual.
- G. ***“Distribution”*** means any form of sale, exchange, or transfer.
- H. ***“DSC”*** refers to the Director of Student Conduct.
- I. ***“Group”*** refers to any number of persons who are associated with each other, but who have not complied with University requirements for registration as a student organization.

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- J. **“Organization”** means any number of persons who have complied with University requirements for registration with the University as a student organization.
- K. **“Respondent”** refers to any individual, student organization or group, charged with a violation under this Code.
- L. **“Sanction”** refers to a consequence imposed by the University on a respondent who is found responsible for violation(s) of this Code.
- M. **“Student”** refers to any person who is currently enrolled whether full-time, part-time or visiting, on a leave of absence or pursuing undergraduate, graduate, or professional studies, whether or not in pursuit of a degree or of any form of certificate of completion.
- N. **“University”** means Loyola University New Orleans and all of its undergraduate, graduate, and professional schools, divisions, and programs. For the sake of clarity and for purposes of this Code, University also refers to faculty and/or staff members acting on behalf of the University in the investigation and adjudication of violation(s) of this Code.
- O. **“VPSA”** refers to the Vice President for Student Affairs.
- P. **“Working Days”** refers to days that the University is open for business, Monday - Friday during the hours of 8:30 a.m. - 4:45 p.m. central time.
- Q. **“University sponsored events”** means events and activities initiated by a student, student organization, University department, faculty or staff member, or employee that are expressly authorized, aided, conducted, or supervised by the University, funded in whole or in part by the University, or initiated by an officially registered student organization and conducted or promoted in the name of that student organization and/or the University.

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III. STUDENT CONDUCT PHILOSOPHY

1. Conduct process is educational

The student conduct process is regarded as an essential and constructive element of the educational process. Emphasis is placed on students' acceptance of personal responsibility to uphold and safeguard community standards. Sanction(s) are intended to challenge students' moral and ethical decision-making and to help bring behavior into accord with community expectations.

2. Findings of responsibility

The focus of the inquiry in student conduct proceedings shall be to determine if the respondent is "responsible" or "not responsible" for violation(s) of the Code. The student conduct process is fundamentally different from criminal and civil court procedures.

3. Burden and standard of proof

To be found responsible for violating the Code, the evidence must establish that the violation(s) was committed by the respondent based on a preponderance of the evidence (not beyond a reasonable doubt or by clear and convincing evidence). In other words, the evidence, which consists of the full totality of the information presented, must establish that it was more likely than not that the respondent committed the alleged violation(s).

4. Fairness

Student conduct proceedings are conducted with fairness but do not include the same protections afforded by courts. Specifically, Loyola agrees to provide all of those accused of violating this Code with written notice of the provision(s) of the Code they are accused of violating, a right to provide their version of events, and the right to appeal as described within this Code. Deviation from the prescribed procedures below does not necessarily invalidate a decision or proceeding.

5. Parental notification

Loyola University reserves the right to notify parents/guardians of dependent students regarding any conduct situation(s). Where a student is not a dependent, the University may contact parents/guardians to inform them of situations in which there is a health and/or safety risk, any conduct violation(s) relating to alcohol and drug policy violation(s), and when a student is removed from the University. The University also reserves the right to designate which University officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act ([FERPA](#)).

6. Student groups and organizations

Registered and unregistered student group(s) or organization(s) may be charged with violation(s) of the Code. Officers or other leader(s) or spokesperson(s) are responsible for the conduct of their member(s) at an event(s) recognized and sponsored by the group or organization if the leader or spokesperson has implicitly or explicitly endorsed any violation(s) of the Code. A student group or organization and its officer(s) may be held collectively or individually responsible for violation(s) of the Code by those

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associated with the group or organization. Charge(s) against a student group or organization for violation(s) of the Code are subject to the same procedures as charge(s) against an individual student. Sanction(s) of the group or organization may include suspension of recognition or charter revocation.

IV. STUDENT RESPONSIBILITIES

The Office of Student Affairs via the Department of Student Conduct addresses violation(s) that occur on-campus, off-campus, and online. The following are examples of misconduct prohibited by this Code; 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 action(s) or any action(s) 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's or student organization's or group's conduct history, result in sanction(s) including suspension or dismissal.

Anyone wishing to report a policy violation(s) may utilize the [Incident Reporting Form](#) or submit a report in person or over the phone to Student Affairs/Student Conduct (504-865-3428), Residential Life (504-865-2445), or University Police (504-865-3434).

1. Abusive or disorderly conduct

Abusive conduct includes any actions against one's self or others that causes physical injury, intimidates, harasses, threatens or otherwise unreasonably interferes with another person. Disorderly conduct includes any behavior that disrupts or interferes with the orderly functioning of the University or the performance of duties by University personnel and/or any behavior that unreasonably disturbs the peace and/or comfort of a person or persons.

2. Administrative instructions

A student of the Loyola community is expected to comply with the oral and written instructions of University Officials and Emergency Personnel (e.g. New Orleans police, Emergency Medical Service, etc.). Compliance would include providing clear and factual information concerning the situation and cooperating in a polite and respectful manner.

3. Alcohol

The Loyola University New Orleans alcohol policy adheres to the laws of the State of Louisiana and Federal law regarding the purchase, sale and consumption of alcohol and in accordance with the following specific regulations that have been established by the University:

- A. A student of legal age (*i.e.* age 21) may purchase and consume alcoholic beverages;
- B. Public intoxication and/or alcohol abuse is prohibited and is not an excuse for irresponsible behavior or Code violations;

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- C. A student or visitor may not publicly carry open containers of alcohol on the University property except during approved university events. An “open container” includes any bottle, can, or other receptacle that contains any amount of alcoholic beverage and to which any of the following is applicable: (a) It is open or has a broken seal or (b) Its contents have been partially removed;
- D. The university dining service provider has the appropriate licenses to sell and serve alcohol at university events and is the only approved provider.
- E. No liquor may be sold or served at any time or under any circumstance by any student organization without prior approval by Student Life and Ministry;
- F. Unsanctioned kegs, pony kegs, grain alcohol, Everclear, multi-alcohol drink punches, party balls, or other large quantities of alcohol are prohibited;
- G. The act of providing alcohol or alcoholic beverages from common source containers (e.g. trash barrels, watermelons, igloos, punch bowls, etc.) is prohibited;
- H. Drinking games or other activities which deliberately encourage the irresponsible consumption of alcohol are prohibited;
- I. The possession of alcohol paraphernalia, (e.g. beer bong, funnels, etc.), that is designated for the irresponsible use of alcohol is prohibited;
- J. A student, group, or student organization will be held directly responsible for the destruction of personal or public property, the violation of the safety or rights of another person, or the violation of any other campus regulations that may occur while they are under the influence of alcohol;
- K. A student group or student organization is expected to comply with the event registration requirements for holding a “party” or “reception” on-campus, which can be found at Student Life and Ministry.
- L. A student that is 21 or older, and resides on-campus in the residential halls may consume alcohol in their residence hall room as long as it is in a responsible manner. They cannot provide alcohol to those under the age of 21;
- M. Alcohol consumption and/or any open or closed container will only be permitted in private and not public areas of the residence halls or in the proximity of any residence hall unless it is deemed an official Residential Life, Student Life and Ministry, or University- sponsored reception;
- N. Private events are permitted in the residence halls so long as all relevant policies concerning alcohol are followed as well as the Private Event Policy for the residence halls.

4. Behavior on other campuses

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

5. Bystander intervention

To encourage a relationship between personal behavior and the quality of campus life, all community members have an affirmative duty to take reasonable action to prevent, stop, or report violations of the Code. Students are prohibited from:

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- A. Encouraging or permitting others to engage in misconduct
- B. Failing to confront, prevent, or report misconduct to a University official, which may include intervention, contacting University Police, or submitting an [Incident Reporting Form](#)
- C. Failing to remove oneself from a situation in which misconduct is occurring
- D. To promote community responsibility and bystander intervention, reporting students may be protected by Amnesty, as outlined in Section VIII of the Code

6. Computer and internet use

Students must adhere to the [DMCA Compliance Policy and Notification Agent](#), [Wireless Lan Policy](#), and [Responsible Use Policy](#) as published by [The Office of Information Technology](#). Users shall understand that personal information, including pictures, videos, and comments, posted on the Internet via social media is public information. For more information regarding the University's expectations regarding social media use, refer to #30 in the student responsibilities section of this Code.

A student is responsible for his/her actions and behaviors while accessing the Loyola University New Orleans Internet technology network. A student may be subject to investigation and sanction(s) if alleged policy violations are brought to the attention of the University that describe or document University policy violations on-campus or at an off-campus University-sponsored function.

Users shall follow appropriate standards of civility to communicate with others. Such behavior involves identifying oneself when sending personal messages and refraining from any harassing, discriminatory, obscene, fraudulent, defamatory, threatening, or coercive comments or activity.

A student may not have access or use the University's administrative computer system except in the performance of their assigned duties as a student employee.

Users shall abide by all [copyright laws](#). Unauthorized attempts to browse, access, solicit, copy, use, modify, or delete electronic documents or programs belonging to other people, whether at the University or elsewhere, will be considered a serious violation of this policy.

The University will cooperate with efforts to control illegal downloads. The use of file-sharing (peer-to-peer/P2P) programs to trade or distribute copyrighted music, movies, or games, over the internet is illegal and is a violation of both [Federal law](#) and University policy.

The unauthorized access or use of University computer systems is a violation of University policy and a serious breach of law. Civil penalties might arise as a result of the improper use of computer resources. The State of Louisiana has enacted a number of laws construing inappropriate or unauthorized use of computers as criminal behavior. A student may also face University discipline that may include suspension. For more information see [La. R.S. 14.73.4](#).

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Destruction, modification, use, copying, or accessing data or programs stored in or with a computer without authorization may result in up to five years of imprisonment, a \$10,000 fine, or both. For more information see [La. R.S. 14.73.3](#).

7. Conduct unbecoming

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

8. Conviction of violation of federal, state, or local laws

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

9. Decorations

A student or student organization is responsible for and will be charged for any decorations that stain, alter, or otherwise damage on-campus property. This includes on-campus rooms, walls, walkways, hallways, residential hall rooms, etc. Damages include, but not limited to nail holes, hooks, decals, tape marks, and stickers.

A student or student organization will be charged if disturbing or moving attached or permanently fixed furniture, decorations, foliage, etc. A student that resides in the residence halls is prohibited from decorating windows that face outside the building. Student residents will be subject to a conduct hearing if found in violation with inappropriate objects or decorations in the window. A student that resides in the residential halls is required to return his or her room to its original condition by the end of the contract period.

10. Dishonesty

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

11. Drugs and controlled substances

The Loyola University New Orleans drug policy adheres to the federal, state, and municipal laws regarding the consumption, distribution, possession, sale, or intent to sale of illegal drugs and/or other controlled substances. The use of illegal drugs and controlled substances is a violation of federal, state, and municipal laws and the Code. Loyola University cannot and will not protect students from prosecution under federal, state, and municipal laws.

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The University reserves the right to periodically conduct unannounced canine drug searches in on-campus spaces, including residence hall rooms, to identify the presence of illicit drugs in order to encourage a drug-free living environment.

The following rules shall be enforced with respect to student conduct regardless of the status of violation in any courts:

- A. Possession of drug paraphernalia as commonly defined (pipes, bongs, etc.) is prohibited. Drug paraphernalia as it applies in this section means any equipment, product, or material of any kind that is used in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.
- B. The distribution or merchandising of illegal drugs and/or controlled substances is prohibited and will result in dismissal and/or arrest.
- C. All illegal drugs, controlled substances and/or drug paraphernalia will be confiscated by the proper authorities.
- D. The illegal possession or consumption of drugs, prescription medication, possession of paraphernalia, or misconduct resulting from such, will result in disciplinary action up to and including dismissal.

12. Elevators

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

13. Facilities use

A student is expected to observe the rules relating to the use of campus buildings and other University owned, operated, or approved facilities. Use of any previously described facility must be approved beforehand by the Director of Residential Life (residence halls), the Assistant Athletic Director (University Sports Complex) or the Event Services Coordinator (Danna Student Center and other campus facilities). A student or student organization or group should have the proper authorization before entering a locked building or office on campus.

14. False information

Students may not intentionally provide false or inaccurate information or records to the University or local authorities. This includes, but is not limited to providing a false report of an emergency, crime, or Code violation; providing a false statement(s) during a University investigation or proceeding; or falsely activating a campus Emergency Blue-Light Call Box.

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15. Falsification or misuse of university records

A student is required and expected to complete accurately and honestly all University records. A student is prohibited from falsely making, forging, manufacturing, printing, reproducing, tampering with or altering any writing, record, document, or identification form used or maintained by the University.

A student is prohibited from knowingly possessing, displaying, or causing or permitting to be displayed any writing, record, document, or identification form used or maintained by Loyola knowing the same to be fictitious, altered, forged, counterfeit, or made without proper authority.

If a student falsifies a record and it is discovered between the time of his or her application for admission and the beginning of classes, it will be considered cause for cancellation of registration. If such a falsification is discovered after the student has begun classes, it will be considered cause for dismissal.

16. Fire safety

It is prohibited to tamper with fire-fighting equipment and fire alarm systems, or in any way cause a fire alarm to activate. A student is expected to report anyone observed in violation of this policy. If found in violation, the responsible student(s) may be subject to:

- \$1,000 fine
- Residence hall dismissal if the perpetrator is a resident student and offense occurs in a residence hall
- University discipline up to and including suspension from the University and/or civil prosecution for criminal mischief.

If a fire alarm sounds, all building occupants are to go to the nearest stairway and leave the building promptly. Instructions of University officials are to be followed. Failure to leave the building promptly or follow instructions may result in a fine of \$250 and disciplinary action up to and including disciplinary probation and/or residence hall dismissal, if applicable.

17. Fireworks & combustibles

Loyola University prohibits the possession of and/or use of fireworks or combustible materials; simulated or otherwise. University policy prohibits:

- A. The sale, possession, or use of fireworks; the manufacture, possession, or control of any explosive compound or mixture with a detonator or initiator or both, or any fake explosive.
- B. Initiating or causing to be initiated a fire, explosion, or other emergency initiating or causing to be initiated any false report or warning of fire, explosion, or other emergency. Improper use of safety, emergency or firefighting equipment, or any other violation of Loyola's fire safety procedures.

[Louisiana law](#) prohibits the use, sale, and possession of certain fireworks. The above prohibitions also apply to possession and storage of these items in a motor vehicle parked on Loyola's campus. Violation of the above policy and state law will subject the offender to University discipline up to and including dismissal from the University and/or prosecution under the state's criminal statutes depending on the nature and seriousness of the offense.

18. Guests

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

19. Hazing

Hazing is defined as any intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:

The person knew or should have known that the act endangers the physical health or safety of the other person or causes severe emotional distress.

The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

Loyola University New Orleans seeks to promote a safe setting where students may participate in activities and organizations without compromising their health, safety, and welfare. Thus, Loyola University New Orleans will not tolerate any form of hazing and severe actions will be taken against any student or organization found in violation of this policy, up to and including indefinite revocation of the charter for the organization and suspension or dismissal for students involved. Our University is committed to supporting an environment that encourages respect for the dignity and rights of the entire university community, which includes students, faculty, staff, and visitors. Please review the full policy on hazing, [here](#).

20. Identification cards

As part of registration, each student is responsible for securing a student identification card, known as the Loyola Express Card, which shall remain in his or her possession at all times. A student who withdraws or is withdrawn from the University shall surrender the identification card to the appropriate University official.

A student shall, upon demand, surrender their identification card to the appropriate University authority. The individual requesting the surrender of the Loyola Express Card must properly identify themselves. Refusal to surrender an identification card is cause for disciplinary action. The identification card is issued to the individual student and is non transferable. Any student using a Loyola Express Card improperly will be fined \$100 for the first violation. Any subsequent violation will be subject to a \$150 fine and disciplinary action.

21. Keys

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

22. Noise

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

Residence Hall Quiet Hours

In order to maintain an atmosphere in the residence halls that is conducive to study and sleep, quiet hours are observed during the following times:

- Sunday – Thursday: 8 p.m. – 10 a.m.
- Friday – Saturday: 10 p.m. – 10 a.m.
- The week prior to and during Final Examinations

During quiet hours, students in the residence halls, porches, and residential quads must keep stereos, TVs, voices, musical instruments, and other sources of noise at a level that cannot be heard in another student's room. In addition to quiet hours, courtesy hours are in effect at all times. A student will comply with any and all reasonable requests made by University officials and students to lower their noise levels.

23. Obstruction of disciplinary matters

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

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

24. Persistent misconduct

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

25. Pets

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Pets and other animals are not permitted in any residence hall or other campus facility, with the exception of aquatic fish (that live underwater 24 hours per day) in a properly maintained 10-gallon aquarium. Only emotional support and certified service/guide animals approved by the Office for Accessible Education are permitted in the residence halls or other campus facilities.

26. Promotion of non-recognized student organizations

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

27. Property damage

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

28. Retaliation

The University prohibits retaliation, including retaliatory harassment, against anyone for inquiring about suspected breaches of University policy, registering a complaint pursuant to its policies, assisting another in making a complaint, or participating in an investigation under its policies. Retaliation is a serious violation that can subject the parties to strong responsive action, including sanctions, independent of the merits of the policy violation allegation. Retaliation is prohibited even if the University finds that no violation of the policy occurred. Retaliation is defined as an adverse action or adverse treatment against an individual involved in an investigation by an individual who knew of the individual's participation in the investigation. Anyone experiencing any conduct that he or she believes to be retaliatory (or retaliatory harassment) should immediately report it.

29. Room responsibility

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

30. Social Media Use

A. Introduction

Loyola University New Orleans supports all our community members using social media via posting, blogging, or tweeting about their experiences. Loyola recognizes that social media are

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powerful platforms for communication that can provide great opportunities for social interactions and that can have a significant impact on organizational and professional reputations.

There is also the possibility of a plethora of unintended consequences when using social media. At Loyola, responsible individual behavior is a basic expectation. Usage of social media comes with responsibility. Therefore, the University encourages and expects students to use social media responsibly and act responsibly on social media, particularly, in adherence to this policy and to the Code.

B. Definition

Social media are defined as media that allow users to create, share, or exchange information, interests, ideas, videos, photos, and other content such as personal or direct messages via social interaction on virtual communities and networks. Examples include, but are not limited to Instagram, Facebook, Twitter, Snapchat, TikTok, YouTube, iTunes U, and Second Life. Email and online forums can also be included in this definition.

C. Prohibited Misconduct on Social Media

The following are examples of misconduct prohibited on social media. These examples are not intended to define misconduct in exhaustive or exclusive terms and should be construed broadly according to the fair import of their terms.

i. Use of University Name, Logo, or Trademarks

Students are prohibited from using any Loyola University New Orleans names, logos, trademarks, trade names, service marks or any other intellectual property or proprietary information (e.g. Loyola, LOYNO, etc.) in establishing or operating and managing any social media accounts or web addresses, except as permitted for any registered student organization or group.

Students and student organizations or groups are prohibited from using any Loyola University New Orleans names, logos, trademarks, trade names, service marks or any other intellectual property or proprietary information (e.g. Loyola, LOYNO, etc.) to promote a product, cause, political party, political candidate, or partisan political cause.

ii. Violations of the Student Code of Conduct

The Office of Student Affairs via the Department of Student Conduct addresses violation(s) that occur online, including on social media. Users shall understand that personal information, including pictures, videos, and comments, posted on the Internet via social media is public information. The University does not regularly monitor social media activity by students. However, receipt of a report indicating social media use, activity, or content that may violate this Code and/or any University policy, rule, or regulation will be reasonably investigated and adjudicated under this Code.

31. Theft

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

32. Tobacco

The use of any tobacco product in any form is prohibited on all Loyola University New Orleans facilities and property. Tobacco is defined to include any lighted or unlighted cigarettes (clove, bidis, kreteks), e-cigarettes, cigars, cigarillos, pipes, hookah products, any other smoking product; as well as any smokeless, spit or spit less, dissolvable, or inhaled tobacco products, including but not limited to dip, chew, snuff, or snus, in any form (orbs, sticks, strips, pellets, etc.). The sale of tobacco products or tobacco-related merchandise (including items that display tobacco company logos) is prohibited in and on all university-owned property and at all university-sponsored events, regardless of the vendor. The free distribution or sampling of tobacco products and associated products is prohibited on all university-owned and leased property and at university-sponsored events, regardless of venue. Tobacco industry and related company sponsorship of campus events, including athletic events and athletes, is prohibited.

33. Unauthorized Recording

Any unauthorized use of electronic or other devices to make an audio or video still frame or photographic record of any person without their prior knowledge or without their effective consent when the person or persons being recorded have a reasonable expectation of privacy and/or such recording is likely to cause injury or distress; this includes but is not limited to surreptitiously taking pictures of another person in a gym, locker room or restroom, or recording administrative meetings with university officials. If a recording is made that captures a violation(s) of student rules or law, the DSC may elect not to enforce this section of the rules against the student making the recording.

34. Verbal or physical aggression

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

35. Violation of University Rules

Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University website will be considered a violation of this policy. Such rules include, but are not limited to, Department of Residence Life Community Standards and Policies, Information Technology policies, Student Organization Handbook, and classroom expectations.

36. Visitation

A. Applicable Definitions

Residential Students are defined as full-time students living in one of the on-campus residential communities. Students will be provided a sticker that is placed under the photograph on their student ID, which is unique to their building, at the start of each semester to indicate their status as a residential student. Non-Residential Guests are defined as any individual who is not residing

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on campus. This includes students residing in off-campus housing, family members, friends or acquaintances not associated with Loyola University New Orleans, or “friends of friends” who accompany another guest into the residence hall. Minors are defined as any person between the ages of 5-16 years. This includes children of students, family members, siblings, friends, and children of friends. Infants are defined as any person under the age of 5 years. Infants are not allowed to stay overnight at any time. Visitation Hours are specific hours in which guests, regardless of age, sex, or relation, are permitted to visit a residence hall room without the prior permission of roommates.

B. Check-In

- Residential Students entering their assigned residence hall are required to show their student ID with the correct building sticker to the Desk Assistant or assigned desk staff upon entering the building each time.
- Residential Students entering a residence hall in which they do not reside and Non-Residential Guests are required to be checked in by a host, a residential student assigned to that building, at the front desk. Both the host and guest will be required to leave a photo ID with the Desk Assistant or assigned desk staff upon entering the building each time and collect their IDs from the Desk Assistant or assigned desk staff upon exiting the building.
- Non-residential guests who cannot present a photo ID will not be permitted to check into the building at any time, with the exception of minors, who must obtain a visitor ID card at the front desk.
- Non-residential guests are expected to conduct themselves in accordance with the policies and standards of the university at all times. Identification cards will not be returned to any individual unless both the host and guest are present.

C. Visitation Expectations and Responsibilities

- Residential students will discuss and define visitation hours for their room within the first 7-weeks of the Fall semester. This information will be posted in the Roommate Agreements, which will be placed in each room and a copy will be filed with Residential Life.
- Entering first-year students will have Visitation Hours of 9:00am-12:00am, 7 days a week until they have completed and reviewed their Roommate Agreement with a Residential Life staff member.
- Entering upperclassmen will have 24-hour Visitation Hours until they have completed and reviewed their Roommate Agreement with a Residential Life staff member.
- Roommate Agreements may be amended at any time as deemed necessary by residents or staff. Amendments to established visitation hours should be completed with all room/suitemates and a Residential Life staff member. All changes must be documented in the Roommate Agreement.
- After a room swap or in the case of a new room/suite mate, the Roommate Agreement will be reevaluated to accommodate all current residents.

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- Residential students are accountable for enforcement and reporting to a residential life staff member when visitation hours are violated. See below for more information on the reporting process.
- Regardless of the agreed upon visitation hours, individuals are required to maintain an atmosphere that is conducive to sleep and study and should be respectful of the rights and privacy of others at all times.
- Students violating Visitation Hours or the right of privacy of others will be subject to disciplinary action and possible loss of guest and visitation privileges.
- All minors and infants must be accompanied by an adult. Minors desiring to stay in the building overnight must be between the ages of 5-18 years; be the sibling of the residential student serving as their host; be able to prove their kinship; and have written permission from the Residential Life office 48 hours prior to the minor's arrival.
- Residential students living in Carrollton, Buddig, and Cabra Halls may not host more than TWO guests, residential or non-residential, at any one time per resident. Residential students living in Bieber Hall may not host more than ONE guest, residential or non-residential, at any one time per resident. Violation(s) of this must be reported by students and/or enforced by Residential Life staff.
- Hosts will be held responsible for the conduct of their guest(s) and may be subject to disciplinary action as the responsible party for violations of the University policies incurred by their guest(s).
- Non-residential guests should be escorted by their host at all times.
- A staff member or resident assistant may ask a guest, residential or non-residential, to leave at any time and guests are expected to comply with such requests.

D. Extended Stay Visitation

- Extended stay visitation is defined as any time a guest(s) is present in their host's room outside of or past the established visitation hours.
- Hosts must seek and receive permission - at least 24 hours prior to the guest's arrival - from their roommates.
- Hosts must obtain written/electronic permission from a Residential Life Professional Staff member - at least 24 hours prior to the guest's arrival – for any guest(s) staying more than one consecutive night.
- Guests, residential and non-residential, may not visit during extended stay hours more than three times in one week and not in two consecutive weeks. An extension of stay may be granted by the Community Director; questions, concerns, or violations of the extended-stay policy may be directed toward the student's Resident Assistant or Community Director.

E. Intimate Relations

- Intimate relations are defined as any acts of physical intimacy that are characterized by a sexual nature or sexual activity.

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- Intimate relations and cohabitation are not endorsed by the University and can be considered conduct unbecoming. These relations are prohibited regardless of age, sex, gender, or class standing.
- If a roommate or other hall residents believes that this policy is being violated, s/he is encouraged to seek the assistance of a Resident Assistant or Residential Life staff member. In the event of a formal complaint, the student(s) will be questioned and could be sanctioned through the discipline process, moved to another room, or both.
- Ultimately, guest policies are meant to ensure the privacy of our students who share rooms, suites, and apartments with others. Each resident has a right to privacy and comfort that outweighs his/her roommate's guest privilege. If the presence of a visitor/guest is an inconvenience to a roommate, the visitor/guest should leave. No one should abuse this right by making unreasonable demands.
- Students violating the guest policy or the right of privacy of others will be subject to disciplinary action and possible loss of privileges.

F. Addressing/Reporting Visitation Hour Violations

- Students are expected to report a violation of visitation hours to a residential life staff member (their Resident Assistant, the Resident Assistant on Duty, or the Desk Assistant), at which point, documentation and enforcement will occur. Students in violation will enter the conduct process and may lose visitation privileges as a result of their hearing.
- Students should first attempt to discuss any conflicts or violations with their roommate as they arise
- If the issue persists, seek out the assistance of your Resident Assistant who can schedule a meeting with both individuals to attempt to address the concern.

SPECIAL NOTE: Due to the influx of visitors and in attempts to heighten security during such a busy time, all visitation privileges for on-campus residents are suspended during Mardi Gras, starting on the Friday before and ending the Wednesday after Fat Tuesday. Special visitation regulations apply during this period which greatly restricts the number of guests allowed in the residence halls.

37. Weapons

Loyola University prohibits the possession of and/or use of firearms or other dangerous weapons; simulated or otherwise. [Louisiana law](#) and University policy prohibit:

- A. The manufacture, ownership, possession or custody or use of any switchblade knife, spring knife, or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by manipulation of a button, switch, latch, or similar contrivance.
- B. Carrying a dangerous weapon to include any gas, liquid, or other substance or instrumentality that, in the manner used, is calculated or likely to produce death or great bodily harm.
- C. The possession of firearms on-campus; simulated or otherwise.
- D. The above prohibitions also apply to possession and storage of these items in a motor vehicle parked on Loyola's campus. Violation of the above policy and state law will subject the offender

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to University discipline up to and including dismissal from the University and/or prosecution under the state's criminal statutes depending on the nature and seriousness of the offense.

V. Procedures For Cases Except Those Brought Pursuant to the University's Title IX Policy

1. Hearing bodies and disciplinary procedures

Charge(s) based on alleged Code violation(s) may be brought against any student or student group or organization by the University. The University utilizes Administrative Hearings and the Student Justice Board (SJB) in order to adjudicate student cases. The choice of which of these two to use in any particular case is left to the sole discretion of DSC or designee.

The University does not allow conflicts of interest, real or reasonably perceived, by those investigating or adjudicating allegations under this policy or its related procedures. Individuals who wish to challenge a hearing or appellate body of a conflict of interest may do so by filing a written challenge to the DSC or designee. This challenge must be filed within three business days of the individual being notified of the identity of the officer or board members.

For the sake of clarity, hearings pursuant to this Code utilize the preponderance of the evidence standard, which means whether it is more likely than not based on the full totality of the information presented that a respondent is responsible or not responsible for violation(s). The hearing bodies are not courts of law and their proceedings are not legal in nature. Formal rules of evidence applied in legal proceedings will play no role whatsoever in a hearing body's work other than the hearing body will endeavor to consider evidence which in its sole discretion is relevant.

All members of the University community with knowledge of facts pertinent to a case are encouraged to cooperate fully in student conduct proceedings. A witness's choice to not participate in student conduct proceedings will typically not result in conduct action except in instances where the University receives information that may indicate that the student allegedly engaged in violation(s) of this Code. Should a witness be unable to attend a hearing, the witness may submit a written statement in lieu of providing a personal statement.

All persons, including a complainant or respondent, who provide a statement(s) in a hearing shall be asked to affirm that their statement(s) are truthful. It is a violation of this Code to intentionally furnish false information to the University; providing false information may result in the filing of conduct charges against student(s). For the sake of clarity, no participant in the conduct process will have the right to question another witness directly.

Statements regarding the character of a complainant, respondent, or witness will not be considered unless deemed directly relevant to specific facts of the case. At the discretion of the hearing body, a respondent may be asked to provide a rationale for relevance of character witness to specific facts of the case.

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All administrative hearings will take place with or without the presence of the respondent and sanctions will be handed down should they be found responsible. Hearings will be closed to the public and will not be recorded.

If an involved party has a disability that requires accommodation(s) throughout the conduct process, they are encouraged to contact the Office of Accessible Education (OAE). All approved accommodations will be communicated to the Department of Student Conduct from OAE.

A. Hearing Bodies

i. Administrative Hearing Officer.

An Administrative Hearing is held between the respondent and a hearing officer(s), who may impose sanction(s) consistent with the Code, University policy, and the violation(s) under consideration. Decisions are final and sanction(s) are implemented pending appeals.

ii. Student Justice Board.

The Student Justice Board (SJB) consists of 10 members selected via an interview process and then vetted through the DSC or designee. All appointments are for one academic year without term limits. All SJB hearings are conducted by a panel of three persons selected by the DSC or designee, and are advised by the DSC or designee. Decisions are made by a majority vote. The DSC or designee sits in on all proceedings to ensure the proper procedures are administered and assure compliance with guidelines set forth in the Code. The SJB may recommend sanction(s) consistent with the Code, University policy, and the offense under consideration. SJB sanction recommendations are sent for review to the DSC or designee, who will make a final decision about appropriate sanction(s).

2. Selection and operating procedures of hearing bodies

The University does not allow conflicts of interest, real or reasonably perceived, by those investigating or adjudicating allegations under this Code or its related procedures. Hearing officers and board members should disqualify themselves on these grounds and will be notified of any challenges in this regard. Complainants and respondents who wish to challenge a hearing or appellate body of personal bias and/or a conflict of interest(s) may do so by filing a written challenge to the DSC or designee. This challenge must be filed within three working days of the individual being notified of the identity of the hearing officer or board members.

If the complainant or respondent fails to timely challenge board members or hearing officer(s), the complainant or respondent waives the right to challenge any findings on the basis of any personal bias and/or conflict of interest(s). The DSC has final authority to resolve any question(s) of personal bias and/or conflict of interest(s) prior to the original hearing. In cases where the DSC is the hearing officer, the VPSA or designee has final authority to resolve any question(s) or personal bias and/or conflict of interest(s).

3. Procedures for hearings

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All reports of conduct violation(s) are preliminarily reviewed by the DSC or designee to determine, assuming all of the facts presented in the reports are true, whether the conduct alleged gives rise to a potential Code violation(s). If it is determined that the allegation(s) rise to a potential Code violation(s), the conduct process will commence as follows.

A. Notice of Hearing/Preliminary Conduct Meeting

The respondent will be notified, in writing via email, about the alleged Code violation(s) and which hearing body has been assigned the case. In cases where there is a complainant, notification will include which hearing body has been assigned to the case. For the sake of clarity, electronic mail sent to the student's University designated e-mail address constitutes written notice. Moreover, failure by the respondent to open or read electronic mail does not constitute a basis for appeal.

The written notification shall include the type, date, time, and location of the hearing. It will also identify the person designated to handle the administrative hearing or the members of the SJB, as applicable. The respondent and complainant, if applicable, will be informed that they will have opportunity to respond to and/or supplement the complaint and will have an opportunity to present witnesses and/or evidence.

The respondent and complainant, if applicable, will also be informed that they have the opportunity to request a preliminary conduct meeting. The preliminary conduct meeting may be requested for one or both of the following reasons: 1) to discuss rights and responsibilities in the conduct process prior to the hearing or 2) for the respondent to accept responsibility for the violation(s) and waive their right to a hearing.

If the respondent and complainant, if applicable, requests a preliminary conduct meeting to discuss their rights and responsibilities in the conduct process, a meeting will be convened by the DSC or designee to inform the respondent and complainant, if applicable of their rights in the student conduct process per the Code. The preliminary conduct meeting is also an opportunity for the respondent and complainant, if applicable, to pose questions regarding the process.

If the respondent requests a preliminary conduct meeting to accept responsibility for the violation(s) and waive their right to a hearing, the DSC or designee at their discretion and if appropriate, will have an educational and/or accountability conversation with the respondent regarding the alleged conduct. Additionally, the DSC or designee will propose an appropriate sanction(s). If the respondent agrees to the proposed sanction(s), the respondent waives their right to a hearing and to appeal, the resolution becomes final, and the outcome is recorded on the respondent's conduct record.

If the case involves a complainant, they will be notified of the respondent's decision to accept responsibility for the violation(s) and no conduct hearing will be convened. The process is considered complete and may not be appealed as described above. If a case is not resolved at the

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preliminary conduct meeting or such a meeting is not requested, it will be referred to an Administrative Hearing or to the SJB for a hearing.

B. Hearings

The hearing not only serves as a means to address and adjudicate alleged misconduct, but also to provide the respondent with an opportunity to respond to the alleged misconduct. There is no time limit on how many days a hearing may last. Hearings are private except for necessary University officials, involved parties, and advisors. Recording devices of any kind are not permitted for use by the students, witnesses, or advisors. The following is meant to serve as a general outline followed during hearings, however, the general outline followed during hearings may vary depending on factors unique to each case:

- Overview of Conduct Process
- Overview of Student Rights in Conduct Process
- Response to Charges
- Complainant, Witness, and/or Respondent Statements
- Respondent Impact/Final Statement
- Next Steps in Conduct Process

4. Rights of Students

The following rights shall be provided to both a respondent and complainant in any administrative hearing:

- A. The right to be informed in writing of the hearing, in sufficient detail and in ample time that they may have an opportunity to prepare for the hearing. Specifically, the respondent will be given no less than three (3) days notice, including weekends and holidays, of an administrative hearing. In the case of a board hearing, the charged student and complainant will be given no less than seven (7) days notice, including weekends and holidays.
- B. The right to submit information for consideration by the applicable hearing body. The applicable hearing body has the discretion to determine the relevancy of the submitted information and whether they would consider it.
- C. The right to be accompanied to all meetings related to the conduct process, if applicable, and to the administrative hearing by an advisor of their choice and at their own expense. This does not include a right to have the advisor actively participate in the student conduct proceeding(s) by presenting statements and/or information or have the proceeding(s) scheduled around the availability of the advisor.
- D. The right to not to have irrelevant, unfairly prejudicial past history discussed during the hearing.
- E. The right to call witnesses to provide a statement at the hearing or to submit written statements from witnesses on one's behalf, including the possibility to present witnesses or written witness statements from persons, who are not affiliated with the University. The right to call witnesses or provide written witness statements shall include the right to question witnesses and/or respond to witness statements via proxy of the applicable hearing body.

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- i. Witnesses may be granted anonymity when in the reasonable discretion of the VPSA or designee it is necessary to afford the University meaningful information to investigate a Code violation(s). Anonymity will typically be granted: (a) When there is reasonable cause to believe that the safety of the witness is in jeopardy or (b) the witness may be subject to intense harassment. The respondent and complainant will be given a copy of any written statements presented by witnesses who have been granted anonymity, so they may respond to the statement and present questions to be answered by the anonymous person via proxy of the applicable hearing body.
- ii. The applicable hearing body may limit the presentation or number of witnesses in order to prevent repetition or delay. This includes the discretion to determine the relevancy of witness statements and whether they will consider the witness statements.

5. Rights of Respondent

The following rights shall be provided to a respondent in any administrative hearing:

- A. The right to be notified of the alleged violation(s) and of their right to have the alleged violation(s) adjudicated by a hearing body.
- B. The right to reasonable access to the case file will be provided at least three days prior to and during the proceeding. Case files contain student educational records. Therefore, access will be provided consistent with the Family Educational Rights and Privacy Act of 1974 (FERPA). This typically includes the ability for a student to view or listen to the entirety of documents relevant to their individual case, with the identifying information of other students redacted. The personal notes of University staff members will not be included in the case file. The case file will be retained in the Department of Student Conduct.
- C. The respondent is presumed to be not responsible until proven responsible based on a preponderance of the evidence. The evidence gathered by the University must establish that the violation(s) was committed by the respondent based on a preponderance of the evidence. Relatedly, the onus is on the respondent to build a case in response to alleged violation(s) of the Code.
- D. The right to provide a statement in response to the alleged violation(s).
- E. In cases with a complainant, the right to question the complainant, if applicable, via proxy of the applicable hearing body. This would include the right to respond to statements made by the complainant.
- F. The right to appeal the outcome of the hearing per the appellate processes outlined in this Code.

6. Rights of Complainant

The following rights shall be provided to a complainant in any university administrative hearing:

- A. The right to be informed of their right to have the alleged violation(s) adjudicated by a hearing body. This does not include the right to be informed of the alleged violation(s) charged.
- B. The right to participate or not participate in the conduct process. A complainant may elect to not attend the conduct hearing, but submit a written statement and/or evidence for consideration by the applicable hearing body.

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- i. The complainant may request to attend the hearing virtually or via teleconference. For cases heard by an administrative hearing officer, the request will be considered and approved by the administrative hearing officer in consultation with the DSC or designee. If the DSC is the hearing officer, the request will be considered and approved by the DSC in consultation with the VPSA. For cases heard by the SJB, the request will be considered by the DSC or designee.
 - ii. The complainant may also request anonymity. Complainants may be granted anonymity when in the reasonable discretion of the VPSA or designee it is necessary to afford the University meaningful information to investigate a Code violation(s). Anonymity will typically be granted:
 - (a) When there is reasonable cause to believe that the safety of the complainant is in jeopardy or
 - (b) the complainant may be subject to intense harassment. The respondent will be given a copy of any written statement(s) presented by a complainant who has been granted anonymity, so they may respond to the statement and present questions to be answered by the anonymous complainant via proxy of the applicable hearing body.
- C. The right to provide a statement.
- D. The right to question the respondent, if applicable via proxy of the applicable hearing body. This would include the right to respond to statements made by the respondent.
- E. The right to be informed of the outcome as follows:
- i. If the alleged conduct involves violence, the complainant will be notified of an in violation finding only. This means that the complainant will not be informed of specific sanction(s).
 - ii. If the respondent accepts responsibility via a preliminary conduct meeting and accepts proposed sanction(s), the complainant will be informed of the respondent's decision to accept responsibility.

7. Hearing Outcome & Notice of Outcome

Upon conclusion of the hearing, the applicable hearing body will consider all information provided in the case file, which would include, if applicable, information provided by the respondent and/or complainant in totality to make a determination whether it is more likely than not that the respondent is responsible or not responsible. The applicable hearing body will write a rationale for the decision, which will be saved in the case file. The charged student or student organization will be notified in writing via the hearing outcome letter, within 3-5 working days of the hearing, and if applicable, the sanction(s) imposed.

Though the Department of Student Conduct strives to deliver an outcome within 3-5 working days of the hearing, the time frame for outcome delivery may be longer depending on various factors unique to each case. It is to be clearly understood that the outcome of a hearing is confidential information and is not to be shared with anyone other than those involved directly with the case. However, in some cases, the appropriate University officials will be notified of the outcome of the hearing, and parents/guardians are notified in cases of suspension and/or dismissal.

8. Sanctions

Upon conclusion of the hearing and if the outcome is that the respondent is responsible, the applicable hearing body will recommend and assign appropriate sanctions. Sanctions are recommendations to the

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DSC or designee. Recommended sanctions may be approved, altered, deferred or withheld at the discretion of the DSC or designee. If no action is taken on the recommendation within five working days or during the period of time the responsible official designates in writing to the affected parties, the recommended sanction(s) shall be final.

In the assignment of sanction(s), this Code seeks to prioritize maintaining flexibility so that each respondent receives appropriate and fair treatment. This priority is balanced with the goal of holding a respondent accountable and promoting student learning in support of the University's mission as a Jesuit, Catholic institution of higher education to develop the whole person.

In determining sanction(s) in each case, the applicable hearing body will consider the following factors, which influence the degree and nature of sanctioning. While some violation(s) will have prescribed sanctioning guidelines or "typical" sanction(s), the applicable hearing body will consider the totality of the situation, including, but not limited to the following factors, which will influence the degree and nature of sanction(s) recommended/assigned:

- The nature and/or totality of the violation(s) and the alleged incident
- The impact of the alleged conduct on individual(s)
- The impact and/or implication(s) of the conduct on the campus community, including but not limited to safety of the campus community and maintenance of a safe and respectful learning environment conducive to learning
- Prior misconduct by the respondent, which would include the respondent's previous conduct history, if any
- Expression of remorse and/or acceptance of responsibility by the respondent.
 - The applicable hearing body, in their discretion, may consider actions and/or other demonstrated behaviors from the respondent that indicates that the respondent is taking accountability for their action(s).
- The necessity of any specific action(s), including interim action(s), in order to eliminate the misconduct, prevent its recurrence and remedy its effects on member(s) of the university community; and
- Any aggravating or mitigating factors that are compelling enough to reach a fair and appropriate resolution in each case

Possible sanctions for violation(s) of the Code include, but are not limited to the following. Most cases will have a status sanction and active sanction. For the purposes of this Code, a status sanction is defined as one that reflects a change in a respondent's status in the student conduct system. An active sanction is defined as sanctions that require action by the respondent in order to be completed.

A. Status Sanctions

- **Written Warning.** An official, initial written correspondence to the student that serves as directive and warning against involvement in another incident that may violate the Code. Specifically, a written warning informs a student that if they are involved in another incident

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and are found responsible for violation(s) of the Code, there are grounds for more severe disciplinary action.

- **Conduct Reprimand.** An elevated written warning that is notated on a student's student conduct record for a specified period of time. A conduct reprimand denotes that a respondent is not on good disciplinary standing with the University. It further warns that if a student is found in further violation of the Code during the time that a conduct reprimand is active on their record, there may be grounds for more severe disciplinary action, specifically a review for disciplinary probation, suspension, or dismissal depending on the factors of the case.

- **Disciplinary Probation.** Temporary suspension of a student or student organization's good standing with the University for a specified period of time where additional restrictions or conditions may be assigned (restrictions or conditions would be considered terms of disciplinary probation) as set forth in the hearing outcome letter. If a student or student organization is found responsible for violating the terms of disciplinary probation during the period set up by the applicable hearing body and/or additional violation(s) of this Code during the period of disciplinary probation, there may be grounds for more severe disciplinary action, including but not limited to removal from housing, suspension, or dismissal from the university if a student or student organization is found in violation of a new charge(s). At the end of the probationary period, the student or student organization will be returned to good standing provided that all the terms of the probation have been successfully completed. The student or student organization remains enrolled in the University under the stated terms of the disciplinary probation. A loss of privileges may occur. A letter may be written to the parents, guardians, advisors, or national office of the student or student organization explaining the terms of the probationary period.

- **Disciplinary Suspension.** Disciplinary Suspension establishes a fixed period of time during which the student or student organization may not participate in any academic or non-academic activity of the University. In cases of individual student discipline, this means that the student is physically separated from the University and must leave the campus and remain off campus during the disciplinary suspension period. Additional conditions may be imposed requiring the student to complete certain requirement(s) and/or refrain from certain actions during and/or after the disciplinary suspension period. Parents or guardians of a dependent student are informed of the disciplinary suspension. A student that is suspended during a semester will forfeit all tuition, fees, housing, and food services monies. A grade of W will be entered into the student's academic transcript for all courses enrolled in during that semester. If suspension is enacted before an enrolled student starts the semester, courses are dropped from their record. If the suspension period is less than one year and the student has a GPA above a 2.0, application for readmission is not required. However, if the suspension period exceeds one year or the student has a GPA below a 2.0, application for readmission is required. At the end of the suspension period, the student may be returned to good standing with the

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University. Academic credit received at another University during the specified period of the suspension is not transferable to Loyola University New Orleans. In cases of organizational discipline, disciplinary suspension is equivalent to student organization charter suspension. This means that an organization has no legal basis for operating on campus or at off-campus university-sponsored events, for recruiting members, or for promoting the organization, its identity, or its activities. Suspension of charter for a period of time under stated conditions means that student organizations must adhere to sanction requirements or face delay of reinstatement or permanent charter revocation for repeated non-adherence to sanction condition(s). Additional condition(s) may be imposed requiring the student organization to complete certain requirement(s) and/or refrain from certain actions during and/or after the disciplinary suspension period.

- **Disciplinary Dismissal.** Disciplinary Dismissal establishes a permanent termination of a student's or student organization's status, specifically exclusion from University privileges and activities, including access to University premises or University sponsored activities off campus. In cases of individual student discipline, parents or guardians are informed of all actions of dismissal, and the fact that a student has been dismissed becomes a permanent part of the student's conduct record. A student that is dismissed during a semester will forfeit all tuition, fees, housing, and food services monies. A grade of W will be entered into the student's academic transcript for all courses enrolled in during that semester. In cases of organizational discipline, disciplinary dismissal is equivalent to the permanent termination of the organization's charter. This means that an organization has no basis for operating on campus or at off-campus university-sponsored events, for recruiting members, or for promoting the organization, its identity, or its activities. Termination of charter is a permanent disciplinary sanction.

- **Residence Hall Suspension.** A specified period of time on a temporary basis in which a student is prohibited from residing in the residence halls. Upon completion of the suspension period, a student is eligible to reside in the residence halls again. Additional condition(s) may be imposed requiring a student to complete certain requirement(s) and/or refrain from certain actions during and/or after the residence hall suspension period in order to be eligible for readmission to live in the residence halls.

- **Residence Hall Dismissal.** A student is permanently barred from the residence halls both as a resident and visitor.

- **Other Status Sanctions.** Other sanctions may be assigned instead of, or in addition to, those specified above. For example, a separation order may be enacted instructing students to have "no contact" with other students and/or may be forbidden to access campus and/or specified areas of campus (campus ban).

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B. Active Sanctions

- **Alcohol and Drugs and Controlled Substances Sanctions.** Prescribed sanctioning guidelines for specific [alcohol](#) and [drugs and controlled substances](#) violation(s). The alcohol and drugs and controlled substances document serve as a sanctioning guide; sanctions may ultimately be applied at the discretion of the applicable hearing body. Additional sanction(s) other than those listed in the guidelines may be applied.
- **Apology.** A possible sanction when the respondent's wish to apologize is demonstrably sincere and the harmed party or parties are open to receiving the apology.
- **Behavioral Expectations.** Expectations for behavior, such as refraining from specific behaviors and/or abiding by and completing certain actions, that are communicated to the respondent to abide by.
- **Community Service.** Completion of service hours or a service project at an organization within the Loyola or New Orleans community or development of an event that positively benefits the Loyola or New Orleans community.
- **Fines or Other Fees.** A monetary payment that the respondent will make, typically to the University. Fines may be used to cover the cost of drug testing, restitution, and/or other procedures. A violation of the Alcohol and/or Drugs and Controlled Substances policies will result in fines up to and including \$500. A fine is applied if a respondent does not complete the sanction(s) assigned by a hearing body by a stated date. The respondent may also be restricted from registering or receiving transcripts until all sanctions are completed.
- **Loss of Visitation Privileges.** Temporary suspension of visitation privileges for a residential student for a specific period of time. During the allocated time for suspension of visitation privileges, the student is not allowed to host and/or check-in guests in their assigned residence hall. This includes their assigned residential hall room or suite as well as common areas in their assigned residence hall. Additionally, the student is not allowed to visit and/or be checked in as a guest in other residence halls.
- **Meetings.** An assignment to meet with a designated person or office for the purpose of specific educational topics or outcomes. The number and frequency of meetings will be determined on a case-by-case basis.
- **Parental Notification.** Notification to parents/guardians when a respondent is found responsible. Notification includes dates and sanctions prescribed, but does not provide details of the case. Loyola University reserves the right to notify parents/guardians of dependent students regarding any conduct situation. Where a student is not a dependent, Loyola

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University may contact parents/guardians to inform them of situations in which there is a health and/or safety risk, any conduct violation relating to alcohol and drug policy violations, and when a student is removed from the University.

- **Referral(s) to University Resources and/or Services.** A referral to meet with and/or research university resources or services available such as the University Counseling Center, Women’s Resource Center, Resident Ministry, or the Office of Accessible Education. Referrals to university resources serve as a means of additional support and/or education to foster learning.
- **Reflection or Research Paper or Project.** A research or reflection paper by the respondent on a designated topic determined by the applicable hearing body and/or in which they reflect upon and demonstrate their learning from the incident and how they will move forward. The applicable hearing body has the discretion to allow the respondent to complete their project in the format of their choice (spoken word (recording), visual art, writing, etc.) if requested by the respondent.
- **Other Active Sanctions.** Hearing bodies are not limited to assigning the sanctions listed. Hearing bodies may impose sanctions of a less severe or more severe nature which bear a reasonable relation to the fault for which the sanction(s) is imposed. Other sanction(s) may include but are not limited to attendance at substance abuse counseling, testing and group education, research papers, required activities, counseling evaluations, and workshops. Active sanctions should always focus on helping the respondent understand the harm or impact related to their incident, how to repair that harm or impact, and how to succeed as an active and contributing citizen in the Loyola community.

5. Advisors

Legal representation is not permitted in any conduct meeting or hearing. However, a respondent or complainant may be accompanied by an advisor to any conduct meeting or hearing. The role of an advisor is limited to advice and consultation with the person(s) they are advising. An advisor is not permitted to address the hearing body, speak on behalf of or submit information or materials on behalf of the person(s) they are advising, or question witnesses. The advisor may be, but may not act in the role of, an attorney.

Advisors who violate these parameters and/or do not follow the instructions of the applicable hearing body may be removed from the proceeding at the discretion of the applicable hearing body or the DSC. A respondent or complainant must notify the applicable hearing body or the DSC if they will have an advisor during any student conduct proceeding, and if their advisor is an attorney at least two working days prior to the meeting or hearing. The University retains the right to have legal counsel present at any conduct meeting or hearing.

6. Record Retention and Expungement

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Individual student conduct files that contain cases that have suspension or dismissal as a final outcome shall be kept permanently on file. All other individual files shall be kept for five years after any sanctions expire unless they are expunged. Students may request to have their disciplinary record expunged under the conditions listed below.

Expungement shall be at the sole discretion of the VPSA or designee and shall require the entire record to be expunged or none of it to be expunged (i.e. no partial expungements shall be allowed). Conditions include:

- Request for expungement shall occur two years from the date of the hearing outcome letter;
- Expungement may occur only for students who have sanctions other than disciplinary suspension or dismissal and whose violations were determined to have not threatened or endangered the health or safety of any person. Students who have been suspended or dismissed are not eligible for expungement; and
- Expungement decisions shall be made based on obvious long-term improvement in behavior, or lack thereof, (*e.g.*, no violations of the student code for two or more consecutive semesters prior to graduation), and/or evidence, or lack thereof, of cooperation in previous student conduct matters, and/or any other reasonable factor(s).

7. Procedures for Conduct Appeals

A respondent found responsible for violating the Code may appeal the final, approved decision of any of the University's hearing bodies based on one or more of the five grounds listed below. A statement citing the basis for appeal, as well as supporting statement(s) for the basis, must be submitted via the [Appeal Submission Form](#) within five working days from the date of the hearing outcome letter. Failure to appeal within the specified time will render the decision final and conclusive with no recourse to appeal.

A. Appeal Grounds

- i. **Partiality.** The inability of the hearing board member or hearing officer to refrain from acting upon predisposed or developed bias during the hearing or the determination of its outcome.
- ii. **New Evidence.** Information or material which was unable to be known at the time of the original hearing. The student is expected to demonstrate that such evidence was unable to be known. Evidence that was known or was accessible during the original hearing, but which the student chose not to or neglected to present does not constitute a sound basis of appeal. In those cases where new evidence becomes known after the period of filing for an appeal has expired, and reasonable grounds for an appeal seem substantial, access to the appellate process may be granted by the VPSA.
- iii. **Disregard for Rights.** That a student was not afforded a right provided by this Code.
- iv. **Arbitrary and Capricious Decision.** The decision is arbitrary and capricious in that it was not made on reasonable grounds. For the sake of clarity, it is not an appropriate basis of appeal to suggest that the appellate body should replace its judgment for the judgment of the original

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hearing body. Rather, an appeal on the basis of arbitrary and capricious decision-making will only be granted if there is no reasonable basis for the original decision.

- v. **Disproportionate Sanction(s).** A sanction is disproportionate if it does not reflect a proper alignment between the nature of the offense, the student's previous disciplinary record, other factors which should be considered, and the sanction administered. Because these multiple factors are incorporated in each individual disciplinary decision, previous decisions do not establish precedent in University disciplinary hearings. In those cases where the appellate board believes the original hearing body made a substantial misjudgment of the severity of the incident or the student's record and, in turn, the sanction(s) administered, the appellate body may make its own recommendations.

The appellate review will normally occur within seven working days of a respondent filing an appeal by one of the appellate bodies listed below. The appellate body will review the appeal to determine whether the appeal can be granted on one or more of the appeal ground(s) selected by the respondent.

B. Appellate Bodies

i. **Appellate Officer**

The VPSA, or designee, is authorized to receive all appeals of disciplinary decisions from the Student Justice Board and Administrative Hearings.

ii. **University Board of Appeals**

The University Board of Appeals (UBA) consists of 15 members represented equally by faculty, staff, and students appointed by the Faculty Senate, the VPSA (who is not eligible for membership), and SGA respectively. The UBA is authorized to receive all appeals of disciplinary decisions from the Student Justice Board and Administrative Hearings. All UBA reviews are conducted by a panel of three persons and are decided by a majority vote. All appeal reviews are advised by the DSC, or designee. The DSC or designee sits in on all proceedings to ensure the proper procedures are administered and assure compliance with guidelines set forth in the Code and to answer process questions the appellate board may have about the hearing being appealed. In cases where decisions of the DSC are being appealed, the VPSA will advise the appellate board. Recommendations of the appellate body are final except in cases of dismissal.

An extension of the preparation period for the appellate review or the date of the appellate review may be granted, upon request, by the VPSA or designee. Once the appellate process has been completed, whether through an appellate decision or the expiration of time to file an appeal, the outcome is final, all sanctions go immediately into effect, and the original decision is final and conclusive.

The following procedural information is meant to serve as a general outline followed during the appellate process. The DSC, VPSA, or their designee has sole discretion to assign an appeal to an appellate body. In

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cases where the DSC served as the original hearing body, the VPSA or designee will assign the appeal to an appellate body. The applicable appellate body has the discretion to determine the means by which it will assess the appeal. For instance, the appellate body can rely solely on the written submissions contained in the submitted appeal, can solicit additional information from any relevant source(s), and/or can conduct hearings where witnesses may be questioned and/or other information is gathered.

Upon completing its review, the appellate body can either grant or deny the appeal. In the event the appeal is granted, the appellate body must elect one of the following courses of action:

- Refer the case back to a new hearing body for a rehearing; selection of a new hearing body will be determined by the DSC in consultation with the VPSA and the University's General Counsel (GC); or
- Make their own determinations, which may include, but is not limited to modifying, removing, and/or adding additional sanctions.

For appeals reviewed by the UBA, the decision to grant or deny an appeal and course(s) of action are made based on a majority vote of its members when applicable.

In the event that an appeal is denied, the decision is final except in cases of dismissal, which are forwarded to the University President for final review and disposition. A final appellate review by the University President will only occur at the request of the respondent. To request a final appellate review, a respondent must submit a request for final appeal in writing to the DSC or designee within five working days of receipt of the appeal decision letter. If a written request for final appellate review is not received within the allocated time period, there will not be a final appellate review by the University President and the decision of the appellate body, including sanction(s), immediately go into effect, rendering the decision final and conclusive.

Upon completing their review, the University President can either grant or deny the appeal. In the event the appeal is granted, the University President must elect one of the following courses of action:

- Refer the case back to a new hearing body for a rehearing; selection of a new hearing body will be determined by the DSC in consultation with the VPSA and the University's General Counsel (GC); or
- Make their own determinations, which may include, but is not limited to modifying, removing, and/or adding additional sanctions.

8. Amnesty

Loyola University strongly encourages students and individuals to report all Code violations, sex discrimination, violence in general, including sexual violence, and medical emergencies. It is likely that many students may be hesitant to report conduct that they believe violates the Code or University policies because of fear that they personally may be accused of violating the Code or University policies in connection with the incident(s) they are reporting.

Underage drinking is a common example of conduct that may have occurred during such an incident. Because of the importance of reporting serious incident(s), and in order to encourage reporting, Loyola

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will not normally charge a student who reports a violation(s) of the Code or University policy, even though the student may have participated in a non-violent violation(s) of the Code or University policy (e.g., unauthorized use of alcohol or drugs and controlled substances).

Loyola may also elect to extend amnesty to students who report medical emergencies to obtain medical assistance for another student(s) that may have occurred during an incident involving a potential conduct violation(s) (e.g., unauthorized use of alcohol or drugs and controlled substances)

In such cases, however, Loyola may exercise its discretion to impose condition(s) of amnesty that are educational in nature as a required activity or activities intended to engage the student in a positive learning experience related to the student's inappropriate behavior.

A student may accept or decline amnesty. If the student accepts amnesty and does not complete the condition(s) of amnesty, the student will be subject to student conduct action. If the student declines amnesty, the student will be subject to student conduct action. Previous student conduct history and/or lack of cooperation with University or responding officials, amongst other factors, may limit eligibility for amnesty.

9. Separation order

A Separation Order shall prohibit named students from contacting, emailing, telephoning, or otherwise disturbing each other. In situations where the DSC or their designee has reason to believe that an alleged violation of harassment, or a physical and/or sexual nature may have occurred on campus, a Separation Order can be issued. The Separation Order will not prohibit students named from attending classes or any other campus activity (even though students named may be enrolled in the same class(es)). Normally, the duration of the directive will be noted on the administrative action. Should the situation result in University disciplinary action, the administrative action will continue concurrently.

The Separation Order will not be construed as a finding of responsibility on the part of any student. It may require moving the student(s) named to another residence hall or removing the student(s) from the residence hall environment.

Violation of the terms or conditions of the on-campus Separation Order may subject the student to disciplinary action without regard to the outcome of the case that led to the issuance of the administrative action. A student seeking a Protective and/or Restraining Order from the city or state can receive assistance in the process by contacting University Police.

VI. Student Rights and Freedoms

Loyola University New Orleans is a private, Jesuit, Catholic institution, committed to the educational and spiritual traditions of the Society of Jesus and the development of the whole person. Thus, all student events and activities should align with the mission and goals of the University. Accordingly, the University

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permits members of the University community to assemble and express views on campus subject to this policy, consistent with its mission and commitment to protecting campus community members and the environment in which that mission is experienced.

In keeping with the University's commitment to promoting free speech and expression, Loyola University New Orleans respects the right of all members of the academic community to explore, discuss, and express opinions, and debate issues publicly in a civil, orderly, and safe manner. These forms of expression—regardless of the content or viewpoints expressed—are permitted on campus so long as they are orderly, lawful, do not disrupt or interfere with the regular operations or authorized activities of the University, are consistent with the mission and goals of the University and comply with the requirements of this policy and all other policies within the Code, Faculty Handbook, and Human Resources Manual. Expression that is indecent, grossly obscene, or discriminatory on matters such as race, sex, color, national or ethnic origin, age, religion, disability, marital status, sexual orientation, genetic information, military status, gender or gender identity, or any other legally protected classification is inconsistent with the University's mission and will not be tolerated.

1. Freedom in the Classroom

The professor in the classroom and in a conference should encourage free discussion, inquiry, and expression in the subject of the course. Student performance is to be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

2. Freedom of Expression & Inquiry

- A. Students are free to take reasoned exception to the information or views offered in any course of study, and to reserve judgment about matters of opinion. However, they are responsible for learning the content of any course of study for which they are enrolled and for abiding by the Code.

- B. Students and student organizations are free to examine and discuss all questions of interest to them and to express opinions publicly and privately. Freedom of speech and freedom of assembly are principles which Loyola has traditionally upheld and reaffirms. Implicit in these freedoms and with regard for the common purposes of the institution is the right to dissent and demonstrate in a peaceful and non- disruptive manner.
 - i. The University community holds that those who enjoy these freedoms must also accept responsibility for order and discipline. While Loyola guarantees the right to peaceful and non-disruptive dissent to all the members of its academic community, it cannot and will not permit any actions or activities which are disruptive of its normal operations. Examples include obstructive picketing or obstructive occupation of space and any activity which substantially prevents normal movement of persons, creation of interruptive noise or conduct which interferes with a person's right to speak (including oral, written, or symbolic expressions imposed on an audience or a person), repeated interruption of or substantial interference with

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a person's normal expectations of quiet for formal campus pursuits (such as education and administrative activities, studying, eating, and sleeping).

- ii. Immediate suspension of those specific activities judged to be disruptive may be ordered by the President, the Vice President of Student Affairs or their designated representatives whenever it is determined such preventive action is required in order to protect lives or property or to insure the maintenance of order. The order from a University official to cease all actions which are considered to be disruptive will take the form of a public statement to cease the disruptive activity and to disperse within a specified reasonable time as determined by the University official. If the individuals or groups participating in said demonstration cease their disruptive activity and disperse within the time specified, that fact will be taken into consideration in any disciplinary hearings that may follow the disruptive action.
- iii. Any segment of the academic community is free to invite and hear any personality and idea presented in the University forum. Sponsorship of speakers does not imply approval or endorsement of the views expressed, either by the sponsoring group or by Loyola. Registered student organizations must seek approval **a minimum of three business days prior to the** event, activity or speaker from Student Life and Ministry; as a private Catholic University, based in the Ignatian tradition, all registered student events and activities should align with the mission and goals of Loyola University New Orleans. With that said, the Provost, General Counsel and Director of Government and Legal Affairs and/or the Vice President of Student Affairs, or their designee, shall have the authority to either cancel or reschedule a speaker in the event there are reasonable concerns regarding the safety of the University community, in the event a speaker will unreasonably impact the operations of the University, or if the event does not comply with the requirements of this policy and all other policies within the [Student Code of Conduct](#), [Faculty Handbook](#), and [Human Resources Manual](#).
- iv. It is incumbent upon the academic community to ensure that the University forum is neither disregarded nor taken lightly since the forum reflects on every member of the academic community.

3. Guidelines for Political Campaign-Related Activities at Loyola

A. Introduction

Loyola University New Orleans is committed to the expression of diverse ideas and opinions and to the discussion and critique of each. Consistent with this commitment, Loyola encourages all students, faculty and staff to be politically active and to support the candidates and causes of their choice. In fact, the University encourages student groups, faculty and staff to invite speakers to campus to further the discussion of the diverse ideas that make our country, state and city a great place to live. In accordance with Loyola University New Orleans policy, all registered Student

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Organizations must seek approval for all events, activities and speakers from Student Life and Ministry.

As a tax-exempt, charitable institution Loyola University is subject to the rules and regulations of the Internal Revenue Code that prohibits the University from ‘participating in, or intervening in any political campaign on behalf of (or in opposition to) any candidate for public office.’ This guide is provided to assist and inform all members of the Loyola community so that they can engage in rational debate without violating Loyola’s tax-exempt status.

B. Guidelines for Campaign Related Activities

To ensure that Loyola University adheres to the prohibitions mentioned in the introduction to this policy, the following guidelines must be followed:

- All students, faculty and staff remain free to express their individual and collective political views, provided that they ensure that it is clear they do not speak on behalf of, or for, the University and that their participation in political activity in their individual capacity is separate and apart from their relationship with Loyola University New Orleans.
- Organizations created solely for the purpose of advocating for the election of a political candidate (i.e. Students for Candidate X) or ballot initiative may not receive funding from the University. However, Loyola University New Orleans does permit students and faculty to organize voluntary political clubs. These clubs are self-supporting and are permitted to exist insofar as they engage in lawful activities and comply with the requirements of this policy and all other policies within the Student Code of Conduct, Faculty Handbook, and Human Resources Manual.
- Recognized campus-based student organizations, that is to say those organizations that receive University funds, may participate in a political campaign on behalf of any candidate for public office as long as their campus-based activities comply with: University policies and procedures, including these guidelines; the student organization clearly identifies itself as a student organization that does not represent the official views of Loyola University New Orleans; and the registered Student Organization seeks approval for all events, activities and speakers from Student Life and Ministry.
- Loyola’s name, or logo, is prohibited from appearing on any material that is used in support of a particular candidate, or partisan political cause.
- Should a candidate for any political office be invited to campus by the University or student group, in his/her capacity as a candidate, candidates from each political view for said office must be invited to appear on campus in a similar setting. However, an elected official may be invited to campus in a non-candidate capacity without any requirement to invite other elected officials, so long as that elected official does not make reference to his/her candidacy and speaks only in his/her non-candidate capacity.
- Should a candidate appear on campus, a reasonable effort must be made to ensure the event takes the form of an educational/informational speech, or question and answer session, or similar communication in an academic setting and not a political rally.

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- It must be made clear by the host of the event during the introduction of the candidate, and in any and all publicity of said event, that the candidate's appearance does not represent an endorsement of the candidate by Loyola University New Orleans, and that he/she was invited by the organization not by the University. The following paragraph can be used as a template for the required disclaimer: *"This event is sponsored by _____. The use of Loyola University New Orleans' facilities for this event does not constitute an endorsement by the University. Loyola University New Orleans does not endorse any candidate, or organization, in connection with this or any other political campaign or election."*
- Any expenses associated with an event that are typically not covered by Loyola University New Orleans, must be billed to the sponsoring organization so that there is no appearance of sponsorship by the University.
- Absolutely no fundraising for the candidate, party, or partisan political cause, shall take place at any event on campus. This prohibition extends to the posting, or transmission, of campaign related materials over the Internet.
- At no time shall Loyola University New Orleans use funds, supplies, email lists, directories, copiers, computers, telephones, fax machines, offices, return addresses or other equipment on behalf of, or against, any candidate for public office, political party, or political action committee.

Please note that whether an organization, or individual, is causing Loyola University New Orleans to participate or intervene, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office depends upon all the facts and circumstances of each case.

C. Use of University Facilities

University facilities (meeting rooms, lecture halls etc.) in general may not be used on behalf of, or against, any candidate for public office, political party, or political action committee. If a Loyola University New Orleans facility is regularly made available to non-University groups, however, such facilities may be made available for political campaign activities if:

- The facility is provided on the same terms and conditions governing the use for purposes other than political activities,
- The facility is made available on an equal basis to other candidates and,
- Prior approval is granted from the Office of Government and Legal Affairs in the Office of the President.

D. On-Campus Appearances by Candidates

Candidates for public office or their designees are welcome to appear on campus for non-campaign related activities, such as an educational or informational talk to the University community. Such appearances must be sponsored by a University department or officially recognized campus organization and satisfy the following criteria:

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- The individual(s) is/are chosen to speak for reasons other than candidacy for public office.
- The individual speaks in a non-candidate capacity.
- The event or organization maintains a nonpartisan atmosphere.
- No specific organized campaigning activity occurs in connection with the event. The campus event involving a candidate should not be dictated by, or put under the control of, a candidate, his or her representatives, or any outside organization.
- Any such event must be open first to the entire University community (without preference based on political affiliation) and then, if space permits, to the general public (again, without preference based on political affiliation).
- Any additional criteria appropriate for the particular event as determined by the University.
- Student organizations must initiate requests for an appearance of a candidate for public office in a non-candidate capacity through the Department of Student Life and Ministry a minimum of three business days prior to the event.

In addition, three options exist for campaign-related appearances of candidates and their surrogates. In all three cases, fundraising is strictly prohibited and approval must be obtained from the Office of Government and Legal Affairs; approval is also needed by the Department of Student Life and Ministry if a registered student organization is making the request.

i. Candidate Debates

All candidates duly registered for the ballot must be invited and given a reasonable opportunity to agree to participate, and the event must be managed in such a way as to not favor or endorse any particular candidate. Arrangements and formats for such debates must be reviewed and approved by the Office of Government and Legal Affairs; approval is also needed by the Department of Student Life and Ministry if a registered student organization is making the request.

ii. Events for Individual Candidates

All candidates for office or their surrogates may be invited once during a primary season and once again during the main election season. If a candidate running for one of these offices speaks at Loyola University New Orleans, other candidates for the same office must be given the opportunity to speak in a comparable venue and similar timeframe.

iii. Non-sponsored events

Campaigns are welcome to rent meeting rooms and event spaces and, as such, are subject to the same rules, regulations, and fees for all external users as set by the Department of Student Life and Ministry. Advertising and publicity material should state that the event is not sponsored by Loyola University New Orleans and all campaign-related activities must be contained within the rented venue or facility.

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Approved appearances by candidates or their surrogates sponsored by University departments or campus groups may take advantage of campus promotional outlets provided the communications are designed to promote and support the event, but not the candidate

E. Conclusion

To ensure that Loyola University New Orleans is in compliance with the rules and regulations of the IRS and FEC, please ensure that all public appearances by candidates for political office be coordinated with the Office of Government and Legal Affairs and the Department of Student Life and Ministry, if invited by a student organization, and the Provost's office, if invited by a faculty member.

The law in this area can evolve over time. Thus, should you have any questions, please do not hesitate to contact, Director of Government and Legal Affairs, Sharonda Williams at shwillia@loyno.edu.

F. For More Information

Please go [here](#) for a comprehensive review of the relevant IRS guidelines regarding the limits imposed upon non-profit higher education institutions with respect to political activities.

VII. Campus Demonstration Guidelines

1. Philosophy

Freedom of speech and freedom of assembly are encouraged and supported at Loyola University New Orleans. Implicit in these freedoms and with regard for the common purposes of the institution is the right to dissent and demonstrate in a peaceful and non-disruptive manner.

Most importantly, those who enjoy these freedoms must also accept responsibility for order and discipline. While Loyola University New Orleans seeks to ensure the right to peaceful and non-disruptive dissent to all the members of its academic community, it cannot and will not permit any actions or activities which are disruptive of the academic/educational process and/or its normal operations. Additionally, Loyola University New Orleans cannot and will not permit any actions or activities that do not comply with the requirements of this policy and all other policies within the [Student Code of Conduct](#), [Faculty Handbook](#), and [Human Resources Manual](#).

2. Protocol

- A. Notification:** Campus demonstrations and/or protests must be sponsored by a recognized Loyola University New Orleans group or organization and the sponsoring group/organization must notify the Vice President of Student Affairs or designee of plans to demonstrate on campus. Additionally, registered student organizations must seek approval for all demonstrations from Student Life and Ministry. For the purpose of these Guidelines, "demonstration" or "protest" means an event requiring the presence of one or more persons in a University location with the intent to express a particular point of view in a manner that attracts attention, as in rallies, sit-ins, vigils or similar forms of expression. Campus Demonstration Registration Forms are available in the Department

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of Student Life and Ministry and online. Groups may reserve quads and rooms for a demonstration; however, the use of space is subject to the Vice President of Student Affairs, or their designees, judgment about the appropriateness of the location for the planned event, availability, applicable usage fees and associated charges. Registration forms must be returned to the Department of Student Life and Ministry a minimum of three business days prior to the event.

- B. Response and Preparation to a Campus or Student Sponsored Event:** All campus protests, demonstrations, and/or similar forms of expression or conduct taking place on campus must be approved by the Department of Student Life and Ministry and registered with the Vice President of Student Affairs or designee in advance of the activities taking place so that the Vice President of Student Affairs, or their designee, can take the following steps:
- i. The Vice President of Student Affairs or designee will convene a preliminary meeting of all key stakeholders involved in participating, coordinating, or sponsoring the event to determine an appropriate time and location for the event and what steps are necessary to ensure adequate safety. This meeting may include members from the Loyola University Police Department (LUPD), student affairs staff, faculty, surrounding community, staff, and students.
 - ii. Additional preparation meetings to review campus demonstration procedures and other details may be held prior to the event.
 - iii. Additional assignments may be delegated by the Vice President of Student Affairs or designee to ensure adequate safety, preparation, and/or education of others.

3. General Conduct

Loyola University New Orleans sponsored events and outside groups must abide by the conduct regulations of the University as outlined in the Code and other institutional policies. Those who are not affiliated with the University must at all times conduct themselves as guests. Groups or participants failing to comply with University policies may face immediate removal from campus and/or other appropriate actions by University officials and University police.

4. Access to Buildings/Rooms

- A.** Access to buildings/rooms is only approved via the Campus Demonstration Registration process (see form online) and is at the discretion of the Department of Student Life and Ministry and/or the Vice President of Student Affairs or designee. If approval is granted, participants of campus demonstrations may enter approved campus buildings for the purpose of conducting orderly and peaceful demonstrations. Participants may sit or stand in the hallways, but may not:
- Enter or occupy rooms or offices without permission;
 - Obstruct or restrict the free movement of persons;
 - Block hallways, doorways, stairs or exits of University facilities;
 - Use appliances/equipment that require the use of electrical and telephone outlets. Participants may be present in the buildings only during normal hours of operation. The opening and closing times of buildings may be obtained from LUPD. LUPD will ask everyone to

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leave the building at closing time. Failure to do so may result in removal from the building or other appropriate actions as determined by University officials.

- B.** In no event will protests or demonstrations be allowed in the following buildings or rooms:
- Residence halls; or b. Private offices, research laboratories and associated facilities, and computer centers; or
 - Offices, libraries, and other facilities that often contain valuable or sensitive materials, collections, equipment, records protected by law or by existing University policy such as educational records, student-related or personnel-related records, or financial records; or
 - Classrooms, seminar rooms, auditoriums or meeting rooms in which classes or private meetings are being held or are immediately scheduled; or
 - Emergency facilities, communications systems, utilities, or other facilities or services vital to the continuing functioning of the University.

5. Sound

Sound associated with the demonstration must be reasonable and shall not interfere with classes, residence halls, or business offices. The use of loudspeakers or other amplifying sound equipment is restricted to outdoor demonstrations and can only be used Monday, Wednesday and Friday from noon to 1:00 pm and 4:00 to 7:00 pm; Tuesday and Thursday from noon to 1:45 pm and 4:00 to 7:00 pm.

6. Placards

Placards used by participants must be made of poster board or of other similar material, but not out of material of a hard substance. Placards may be carried or worn on the person, but not tacked or nailed to trees or buildings or within buildings.

7. Literature/Printed Materials

Literature or other printed materials cannot be forced upon others or distributed in a manner that will obstruct free flow of traffic. Literature or other printed materials may not be scattered on the ground or left unattended on University benches, tables, sidewalks or building entrances.

8. Care of Property

In addition to restrictions on the use of placards (see above), reasonable care must be taken to reduce damage to the property of others and University property, including lawns. All trash and any literature/printed materials must be collected and placed in refuse/recycling containers; failure to do so will result in denial of future privileges.

Individuals or groups violate these guidelines if:

- They interfere unreasonably with the activities of other persons, the educational process or the operations of the University. The time of day, size, noise level, and general tenor of a meeting, event or demonstration are factors that may be considered in determining whether conduct is reasonable;
- They do not comply with the requirements of this policy and all other policies within the Student Code of Conduct, Faculty Handbook, and Human Resources Manual.

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- They cause injury to persons or property or threaten to cause such injury;
- They hold meetings, events or demonstrations under circumstances where health or safety is endangered; or
- They knowingly interfere with unimpeded movement in a University location; or
- They continue to engage in conduct after the Executive Director of Student Affairs or designee has declared that the conduct is in violation of the Guidelines and has instructed the participants to modify or terminate their behavior.

VIII. Privacy

1. Protection Against Improper Disclosure

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

2. Protection of Student Records

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

IX. Campus Organizations

- Students should be free to organize and join associations to promote their common interests.
- The membership, policies, and actions of a student organization are determined by vote of those persons who hold or have held bona fide membership in the University community.

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- Institutional recognition of an organization is granted by the Department of Student Life and Ministry and the Student Government Association. Student organizations are required to submit statements as deemed necessary for institutional recognition and chartering.
- Affiliation with an extramural organization does not of itself disqualify a student organization from University recognition.
- Campus advisors are required for each organization: each organization is free to choose its own, subject to approval by the Department of Student Life and Ministry. University recognition will not be immediately withdrawn solely because of the inability of a student organization to secure an advisor. Chartered student organizations will have up to two months to secure an advisor. The Vice President of Student Affairs or designee will consider any extenuating circumstances which may require an extension of that time. Campus advisors counsel organizations, but they do not have the authority to control the policies of such organizations.
- Campus organizations, including those affiliated with an extramural organization, are open to all students without regard to age, color, disability, gender, national origin, race, religion, sexual orientation, and veteran's status as a condition for University recognition. Organizations with a 501C IRS Code may exclude membership based on gender. Religious qualifications may be required by organizations whose aims are primarily religious. Implementation of this policy is the responsibility of the Standing Committee on Student Rights, Freedoms, and Responsibilities.
- Student organizations must adhere to policies as outlined in the Student Organization Handbook and the Code.
- The University is not liable or responsible for any injuries incurred by participants in or spectators at intramural activities, club sports, or general recreation in or outside of University facilities. Students participating in the intramural program or other recreational sports are responsible for ensuring that they are medically able to withstand the rigors of the physical activity in which they plan to engage. Likewise, all students should have sufficient health insurance in the event of an accident.
- Certain University/student-sponsored events will require special University police coverage. The Director of University Police, the Vice President of Student Affairs (or designee), or the Assistant Vice President of Student Life and Ministry will make the final determination whether an event will require special security coverage and the number of officers required. Arrangements for special security services must be made with the University Police Department at least 10 working days prior to the scheduled event. Failure to make appropriate arrangements for University police coverage will subject the event to cancellation.

X. Participation in Institutional Government

As constituents of the academic community, students are free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body so long as their speech/conduct is orderly, lawful, does not disrupt or interfere with the regular operations or authorized activities of the University, and complies with the requirements of this policy and the Code. The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of SGA and both its general and specific

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responsibilities should be made explicit, and the actions of the SGA within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

XI. Student Media

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

XII. Off-Campus Freedom of Students

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

XIII. Amendments

This statement of policy may be amended to provide for proper interpretation, to alter the original intent, or to make additions. Board members should propose amendments to the Director of Student Conduct. Amendments can also be proposed by the Student Government Association, the Director of Student Conduct, and/or the Assistant Vice President of Student Life and Ministry. Amendments will then be presented to the Vice President of Student Affairs (or designee) and the Director of Government and Legal Affairs. If approved, amendments will be included in the Student Rights and Freedoms section.

XIV. Medical Withdrawal

1. Voluntary Medical Withdrawal from the University

If a student is unable to complete the coursework or other course of study for a semester due to medical and/or mental health reasons, the student may request a medical withdrawal from the University. Medical withdrawal requests must be supported by appropriate documentation from a licensed care provider, submitted to the director of counseling and health services and approved by the Vice President of Student Affairs. Any student receiving a medical withdrawal during the term may be required to remain out of class

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the succeeding term. This decision will be based on the seriousness of the illness and time of withdrawal. There are no partial medical withdrawals for a term.

The institutional refund policy applies. Medical withdrawals must be made within the term being requested (during illness). Students who have not been enrolled at the University for a period of two semesters or more must re-enroll and follow the degree requirements in effect at the time of their reentry.

2. Involuntary Medical Withdrawal from the University

This policy is meant to be invoked by the Vice President of Student Affairs when a student is unable or unwilling to request a voluntary medical withdrawal and such a leave may be necessary because the student's behavior severely disrupts and/or threatens the university's learning environment. Before an involuntary medical withdrawal is considered, efforts will be made to encourage the student to take a voluntary medical withdrawal. The Vice President of Student Affairs may require a forensic evaluation to facilitate an informed decision.

3. Medical Withdrawal Re-enrollment

To re-enroll at the University following a medical withdrawal, a student must contact the University Counseling Center to schedule an appointment with the Director for Counseling and Health Services. The student must secure a letter from the primary treatment provider that includes dates of treatment, treatment progress, treatment plan, and a recommendation to resume coursework at the University.

Once the student has been cleared by the primary medical provider and the Director of Counseling and Health Services, and the Vice President of Student Affairs, then the student will be cleared to register for courses. If a student has other registration account holds, then those must be cleared with the respective departments in order for registration to occur.

XV. Discrimination and Harassment Policy

1. Purpose

Loyola University New Orleans strives to create and maintain a working and learning environment in which individuals are treated with dignity, decency and respect. The University acknowledges individual differences, including, but not limited to, the dimensions of race; color; sex; national origin; age; religion; gender identity; transgender status; sexual orientation; ethnicity; disability status; marital status and citizenship status; and values all individuals. This idea is rooted in the belief that diversity enriches our social interactions and intellectual lives by exposing us to different cultures, ideas, and ethnicities. Recognizing the role which diversity plays in our mission, the University strives to maintain an educational community that is safe, welcoming, and inclusive for its faculty, staff, and students. It is expected that students, faculty, staff, and other individuals covered by this policy will treat one another with respect and are responsible for promoting an environment of inclusion. The environment of the University is characterized by mutual trust and the absence of intimidation, oppression and exploitation. For these reasons, the University does not tolerate discrimination or

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harassment. Reports of discrimination and harassment under this Policy are taken seriously and will be dealt with promptly. Through implementation and enforcement of this policy, and through education of faculty, staff, and students, the University seeks to discourage, prevent, correct, and when necessary sanction behavior that violates the University's Policy on Discrimination and Harassment.

2. Scope and Application

This policy applies to all students, faculty and staff of Loyola University New Orleans, as well as others who participate in the University's programs and activities. Its application includes the University's programs and activities both on and off campus, including overseas programs. It is a violation of this Policy to discriminate in the provision of employment or educational opportunities, to create discriminatory work or learning conditions, or to use discriminatory evaluative standards if the basis of that discriminatory treatment is, in whole or in part, the person's race; color; sex; national origin; age; religion; gender identity; transgender status; sexual orientation; ethnicity; disability status; marital status and citizenship status or any other characteristic prohibited by applicable law. Acts of harassment, including sexual assault, stalking, domestic violence, and dating violence, are violations of this policy and Title IX and will subject students, faculty, and staff of Loyola University New Orleans, as well as others who participate in the University programs and activities, to sanctions.

3. Definitions

- A. **Campus** for purposes of this Policy means all buildings, facilities, and properties that are owned, operated, managed, or controlled by the University.
- B. **Complainant** for purposes of this Policy shall mean the person who files a complaint to report a violation of this policy. It also includes any person who is reported to have experienced a violation of this Policy in cases where some other person has made a report on that person's behalf.
- C. **Consent** to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a voluntary intention to engage in a specific sexual activity. Silence alone, without actions clearly and unambiguously evidencing permission, does not demonstrate consent. While consent may be expressed by words or by actions, it is highly recommended that consent be expressed and obtained verbally. Non-verbal consent expressed through actions that do not clearly and unambiguously evidence permission may lead to confusion and potential for misunderstandings, which may lead to a violation of this policy. It is the responsibility of the initiator of any sexual activity to obtain their partner's consent. Consent must be knowing and voluntary. To give consent, a person must be at least 17 years old. Assent does not constitute consent if obtained through "coercion" or from an individual whom the respondent knows or reasonably should know is "incapacitated." Coercion for purposes of this policy may be psychological or physical and includes the use of express or implied threats, intimidation, or physical force which places an individual in reasonable fear of harm or physical injury. An individual is considered to be incapacitated for purposes of this policy if the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Individuals who are asleep,

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unresponsive or unconscious are incapacitated. Individuals who have drunk alcohol, or used drugs, may be incapacitated, depending on the amount and type of alcohol, or drugs, used. The totality of the circumstances will be considered in determining incapacitation. Among the factors the University will use to assess whether someone is incapacitated for purposes of this policy are: inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. The existence of any one of these factors will support a finding of incapacitation for purposes of this policy. An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain consent to sexual activity. Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of consent has been expressed, the sexual activity must cease immediately. Consent is automatically withdrawn by a person who is no longer capable of giving consent. A current or previous consensual dating or sexual relationship between the Parties does not imply Consent or preclude a finding of responsibility for misconduct.

- D. *Domestic and Dating Violence*** is defined as abusive behavior, including threats, verbal and/or emotional abuse, and physical assault, between persons in an intimate and/or dating relationship. Examples of domestic violence include, but are not limited to, intimidation, threats, and physical harm. Preventing a partner from making contact with others among the partner's family, friends, or peer group also falls within this definition. This includes behavior toward another person when the intimate and/or sexual relationship has ended.
- E. *Discriminatory Harassment*** for purposes of this Policy is defined as verbal or physical conduct directed toward an individual because of his or her race; color; sex; national origin; age; religion; gender identity; transgender status; sexual orientation; ethnicity; disability status; marital status and citizenship status that is offensive to the individual and
- i. Intentionally stigmatizes the individual to invoke violence or harm, or
 - ii. Is of a severe and/or pervasive nature such that it creates an intimidating, hostile or offensive working, academic or campus environment, or
 - iii. Unreasonably interferes with an individual's work or academic performance
- F. *Hate Crime*** means any offense against person and/or property because of actual or perceived race; color; sex; national origin; age; religion; gender identity; transgender status; sexual orientation; ethnicity; disability status; marital status and citizenship status of that person or the owner or occupant of that property or because of actual or perceived membership or service in, or employment with, an organization.
- G. *Human Resources*** for purposes of this Policy means the Human Resources Department at Loyola University New Orleans, 6363 St. Charles Avenue, Mercy Hall, Room 102, New Orleans, Louisiana. The phone number is (504) 864-7757.
- H. *Loyola University Police (University Police)*** for purposes of this Policy means the Loyola University New Orleans Police at 6363 St. Charles Avenue, Biever Hall, First Floor, New Orleans, Louisiana. The phone number is (504) 865-3434.

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- I. **Office of Government and Legal Affairs** for purposes of this Policy means the Office of Government and Legal Affairs of Loyola University New Orleans, 6363 St. Charles Avenue, Marquette Hall, New Orleans, Louisiana. The phone number is (504) 865-2657.
- J. **Policy** means this Loyola University New Orleans Discrimination and Harassment Policy.
- K. **Nonconsensual Sexual Intercourse and Sexual Conduct** for purposes of this Policy means any sexual behavior including sexual intercourse or attempted intercourse without consent, including rape, attempted rape, molestation, and other cases where the complainant is unable to refuse or effectively consent to sexual advances. The definition applies regardless of whether the alleged assailant is a stranger or an acquaintance. Examples include, but are not limited to, forced insertion, oral copulation, rape by foreign object, sodomy and unwanted touching of an intimate part of another person for the purpose of sexual gratification. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger or inanimate object.
- L. **Respondent** for purposes of this policy shall mean the person responding to an allegation of a violation of this policy.
- M. **Sex Discrimination** for purposes of this Policy includes treating a person unfavorably because of that person's sex, including in hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits and any other term or condition of employment. It also includes treating a person unfavorably because of that person's failure to conform to gender or sex-based stereotypes.
- N. **Sexual Exploitation** for purposes of this Policy means taking non consensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to:
 - i. Intentionally exposing a private or intimate part of one's body in a lewd manner;
 - ii. Committing any other lewd act in a public place;
 - iii. Prostituting another student;
 - iv. Possession, or sharing of, photographs, video or audio recording of sexual activity in person, or on any social media platforms or internet sites, without the consent of the persons depicted or involved;
 - v. Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to witness one's consensual sexual activity;
 - vi. Engaging in non-consensual voyeurism; and/or
 - vii. Knowingly transmitting a sexually transmitted disease/infection or HIV to another student.
- O. **Sexual Harassment** for purposes of this Policy means the creation of a hostile workplace environment, as well as unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct or communication of a sexual nature in person, or on any social media platforms or internet sites when:
 - i. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, services, or academic status; or
 - ii. Submission to, or rejection of, such conduct by an individual is used as a basis for employment, services, or academic decisions affecting him or her; or

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iii. Such conduct, whether verbal or physical, is severe and/or pervasive so as to have the purpose or effect of interfering with the individual's work or academic performance or of creating an intimidating, hostile or offensive employment, service or educational environment.

Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex, gender identity or transgender status. For example, harassing a woman, or man, by making offensive comments about women, or men, in general may constitute sexual harassment.

P. *Sexual Verbal Abuse* for purposes of this Policy is language that is sexual in nature and unwanted on the part of another person. Examples include, but are not limited to, obscene telephone calls and use of written and/or oral communication that would be considered obscene.

Q. *Stalking* for purposes of this Policy is a course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. A course of conduct means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. Stalking includes, but is not limited to, the intentional and repeated uninvited presence of the alleged perpetrator at another's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, or sexual assault.

R. *University* for purposes of this Policy means Loyola University New Orleans.

4. What Constitutes Sexual Harassment

A. Types of Relationships

Sexual harassment may occur within a variety of relationships. These relationships may or may not involve unequal authority, as between supervisors to employees supervised, faculty members to students, residence hall staff to student residents, and student leaders to other students. They may also involve relationships among peers. However, allegations of sexual harassment will be scrutinized, regardless of the relationship of a complainant to an alleged offender. Generally, there are three (3) types of relationships where sexual harassment occurs:

- i. *Quid pro quo*** - where submission to harassment is used as the basis for employment or educational decisions. *Quid pro quo* harassment occurs when employee benefits such as raises, promotions, working hours, etc., or student benefits such as grades, assignments, recommendations, etc. are directly linked to compliance with sexual advances. Therefore, only someone with the authority to grant such benefits can engage in *quid pro quo* harassment.
- ii. *Hostile work or learning environment*** - where offensive remarks or conduct is severe and/or pervasive and creates an offensive working or learning environment or when it results in an adverse employment decision (such as being demoted, or fired).
- iii. *Third party harassment*** - when a party or parties are not sexually harassed directly, but suffer the consequences of sexual harassment.

B. Forms of Sexual Harassment

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- i. Determining what constitutes sexual harassment depends on the specific facts and context in which the offensive language or conduct occurs. Sexual harassment may take many forms - subtle and indirect or blatant and overt. For example, it may:
 - a. Be offensive words or conduct toward an individual of the opposite sex or the same sex;
 - b. Occur between peers or between individuals in a hierarchical relationship;
 - c. Be aimed at coercing an individual to participate in an unwanted sexual relationship;
 - d. Have the effect of causing an individual to change behavior or work performance; and
 - e. Consist of repeated words or actions, or may even arise from a single incident, if sufficiently egregious.

C. Examples of Sexual Harassment

- i. The following are some examples of conduct which may constitute or contribute to sexual harassment:
 - a. Gender harassment, including statements and behavior that convey insulting, degrading, or demeaning attitudes towards women, or men;
 - b. Direct proposition of a sexual nature and/or subtle pressure for sexual activity that is unwanted and unreasonably interferes with a person's work or academic environment;
 - c. Derogatory, degrading, or insulting statements and behavior targeting, or ridiculing a person's sexual orientation, transgender status, or gender identity;
 - d. Persistent and unwanted requests for dates, unwelcome and inappropriate letters, telephone calls, email, or other communication or gifts;
 - e. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
 - f. Subtle or overt pressure for sexual favors;
 - g. Unwanted physical contact such as touching, hugging, brushing against a person's body, or impeding or blocking movements;
 - h. Sexually explicit statements, questions, jokes, or anecdotes, regardless of the means of communication (oral, written, email, text messages, etc.);
 - i. The display of inappropriate sexually oriented materials;
 - j. Sexual assault, attempted rape, or rape;
 - k. Sexual submission when made a term or condition, explicitly or implicitly, of obtaining employment, services, or education;
 - l. Sexual submission when used as a factor in decisions affecting an individual's employment, services, or education;
 - m. Sexual conduct or communication when of such a nature that it creates an intimidating, hostile, or offensive work or educational environment; and
 - n. Domestic violence, dating violence, and stalking.

D. Consensual Sexual or Romantic Relationships

- i. With the exception of cases where individuals are married, or in a formal domestic partnership, the University prohibits faculty and staff from knowingly entering into a romantic, or sexual relationship, with any students over whom such faculty and staff exercise supervisory, or evaluative authority.

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- ii. The University prohibits faculty and staff from knowingly entering into a romantic or sexual relationship with an undergraduate student, regardless if that faculty, or staff, exercise supervisory, or evaluative authority, over the undergraduate student.
- iii. With the exception of cases where individuals are married, or in a formal domestic partnership, the University strongly discourages faculty and staff from knowingly entering into a romantic or sexual relationship with a graduate or professional student enrolled at the University even if the student is not subject to the supervisory, or evaluative authority, of said faculty or staff. Faculty, or staff, who enter into such a relationship must disclose the relationship to the Provost's Office, and staff must report it to Human Resources or the Director of Government and Legal Affairs, so that the University is in a position to ensure that those faculty and staff do not exercise supervisory or evaluative or other authority over that student.

E. Pregnancy and Breast feeding/Lactation

The University values families and a woman's need for accommodation during pregnancy and childbirth. Consequently, the University will work with pregnant employees to accommodate the needs of the pregnancy and childbirth. Federal law imposes its own requirements and renders it unlawful to harass a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The Pregnancy Discrimination Act (PDA) forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, termination, pay, job assignments, promotions, layoffs, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment. Lactation is a pregnancy-related medical condition. The University will make available time and a private space for its employees to accommodate lactation-related needs.

5. Reporting Policies and Procedures

A. Complainants

i. Places to Report

a. Internal Reporting:

(1) In cases of stalking, sexual assault, and sexual violence, Loyola University Police should be notified initially and immediately. Loyola University Police can be reached at: (504) 865-3434. If the complainant believes that they are being harassed or discriminated against by any member of the University community, or a third-party doing business with the University; or if you observe harassment or discrimination by another member of the University community, or a third-party doing business with the University, against a third party; please report the incident immediately to one of the following:

- Title IX Coordinator – (504) 864-7151
- Government & Legal Affairs – (504) 865- 2657;
- Human Resources Department -(504) 861-7756;

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- Director of Student Conduct – (504) 865-3032;
- University Counseling Center – (504) 865-3835;
- Provost Office – (504) 865-3034;
- Office of Diversity and Inclusion- (504) 865-2306

(2) If the perpetrator of the alleged harassment or discrimination is listed as a contact person above, then you should report to another person listed. Loyola University New Orleans takes all complaints of unlawful harassment and discrimination seriously and will not penalize anyone for reporting a potential harassment or discrimination problem in good faith.

b. External Reporting to Government Agencies:

(1) In cases of stalking, sexual assault, and sexual violence, it is the practice of Loyola University Police to notify complainants of their right to file a criminal complaint. Discrimination and harassment are prohibited by state and federal law. In addition to the internal resources just described, individuals may pursue complaints directly with the government agencies that deal with unlawful harassment and discrimination claims:

- If the complainant is a faculty or staff member, they should contact the U.S. Equal Employment Opportunity Commission (EEOC) (Title VII employment discrimination claims) at: <https://www.eeoc.gov/filing-charge-discrimination>
- If the complainant is a student, they should contact the Office for Civil Rights (OCR) of the U.S. Department of Education (Title IX sex discrimination claims) at: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html> ;
- In addition, all complainants can contact the Louisiana Commission on Human Rights at: <http://gov.louisiana.gov/page/lchr>.

(2) Please know that a violation of this policy may exist even where the conduct in question does not violate the law. If there is immediate danger, contact 911.

B. University Employees as Mandatory Reporters for Sexual Assault and Harassment

All University employees, other than counselors, pastors, or advocates and those employees legally regarded as confidential sources, must bring reports of violations of this policy, including sexual and gender-based harassment, assault and violence that they observe or learn about, immediately to the attention of the Office of Human Resources (if the respondent is a staff member), the Office of the Provost (if the respondent is a faculty member), or the Title IX Coordinator (if the respondent is a student). Failure to do so can result in discipline, up to immediate discharge. The employee must report all relevant details about the alleged policy violation, including the name of the complainant, the accused, any witnesses, and any other relevant facts, including the date, time, and specific location of the incident. Complainants may request confidentiality or anonymity, including that their name not be shared with the respondent, that the respondent not be notified of the report, or that no investigation occur. A mandatory reporter should inform the complainant that there are other University employees available to

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discuss complaints, like advocates or counselors, who can preserve the complainant's confidentiality. If the complainant wants to tell the mandatory reporter what happened, but also wants to maintain confidentiality or anonymity, the employee should tell the complainant that mandatory reporters cannot guarantee confidentiality or anonymity. The employee should advise the complainant that the details of the incident will be disclosed only to those officials with a legitimate institutional interest in knowing the information. In reporting the details of the incident to the University, however, the employee will disclose that the complainant has requested confidentiality, or anonymity. The University will then weigh the complainant's request for confidentiality, or anonymity, against the University's obligation to provide a safe, nondiscriminatory environment for all members of the Loyola Community, including the complainant. If the University honors the request for confidentiality, the applicable investigating office will explain to the complainant that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator may be limited. Explanation of the University's retaliation policy shall be provided to the complainant. If the complainant continues to ask that his or her name not be revealed, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not prevent the University from responding effectively to harassment and preventing harassment of others. Regardless of whether there is a request for confidentiality or whether the request for confidentiality is honored, the University will take steps to limit the effects of the alleged relationship violence or sexual misconduct and prevent its recurrence. Such steps might include providing increased security or supervision at locations or activities where a pattern of relationship violence or sexual misconduct exists; providing education and training materials for students, student groups, faculty, and staff; reviewing applicable relationship violence and sexual misconduct or disciplinary policies; and conducting climate surveys regarding relationship violence and sexual misconduct. Individuals who choose to discuss an incident of relationship violence or sexual misconduct only in a privileged/confidential or private setting (to a counselor, pastor or advocate) should understand that the University will not be able to conduct an investigation into the particular incident, or pursue disciplinary action against the alleged perpetrator, unless the incident is reported to the University directly by the complainant, law enforcement, someone who is obligated to make a report, or by a confidential party who has been given written permission by the complainant to make a report. Counselors and advocates will assist their clients in receiving support services, regardless of whether a report is made. At the individual's option, this will include coordinating with the University to provide any necessary interim measures. A complainant who requests confidentiality initially to a mandatory reporter or who reports only to a confidential source (a counselor, pastor or advocate), may later decide to file a complaint with the University or law enforcement and have the incident fully investigated. Prior to conducting an investigation, the University will take into consideration any safety risks associated with the University contacting or interviewing the accused, especially in cases where the complainant is fearful and does not want the perpetrator contacted, or when the threats and abuse may escalate and put the complainant in increased danger due to the investigation process. As discussed above, the

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University will attempt to balance a complainant's request for anonymity or not to participate in an investigation with the University's broader obligation to campus safety.

C. Louisiana Reporting Law

Pursuant to state law, any report of abuse or neglect of minors or persons with a disability, including disabilities or challenges caused by aging, will be reported to state authorities.

D. Clery Act Requirements and Other Legal Guidelines

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, popularly known as the Clery Act, University Police annually collects, compiles, and publishes crime statistics for a 3-year reporting period. Additionally, University Police identifies and works with Campus Security Authorities (CSAs) to ensure that they satisfy their annual training and reporting requirements pursuant to the Clery Act. A CSA is an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. CSAs are required to report certain offenses that are reported to them and that have occurred on campus, in residence facilities, in certain non-campus property, and certain public property. CSAs receive training regarding the specific locations (Clery geography) and specific offenses (Clery crimes) that trigger a duty to report. In addition, the University has a responsibility to notify the campus community about any crimes, not just Clery Act crimes, that are serious or pose an ongoing threat. A Timely Warning Notice, known as a BOLO (Be On The LookOut), may be issued for both on and off-campus crime reported to University Police by NOPD, Tulane Police, CSAs, or any other source and shall be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the university community, and the possible risk of compromising law enforcement efforts. The Clery Act encourages voluntary, confidential reporting so that incidents of crime that are reported exclusively to professional and pastoral counselors will be included in the annual crime statistics. University Police and the New Orleans Police Department (NOPD) work closely together to keep the campus neighborhood safe. The University Police officers and NOPD communicate regularly on the scene of incidents that occur in and around the campus area. The University Police investigators work closely with the investigative staff at NOPD when incidents arise that require joint investigative efforts, resources, crime-related reports, and exchanges of information, as deemed necessary. The University Police do not have a Memorandum of Understanding with NOPD. University Police officers patrol regularly in the uptown area usually bordered by Freret Street, Jefferson Avenue, Pitt Street, and Cherokee Street. University Police also coordinate efforts and work with Louisiana State Police when incidents arise that require collaboration. University Police are a member of the Louisiana State Analytical and Fusion Exchange where intelligence and information are shared with other local and state agencies. A daily crime log is kept of all reported crimes. It is available for public review by request at University Police headquarters located in Biever Hall. University Police also monitor incidents at its off-campus sites and record those offenses. University Police report all

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serious on-campus crimes to NOPD along with providing them with a copy of pertinent records. NOPD accepts and processes evidence for serious crimes such as drug cases.

6. Assistance for Complainants of Sexual Assault

Sexual assault is an egregious form of sexual harassment and it is a crime. The University takes all incidents seriously. The University supports the right of the complainant of a sexual assault to decide how best to utilize various University, community, private, and public support systems designated to address crimes of sexual assault. Complainants of sexual assault are highly encouraged to contact Loyola University Police. Reporting an assault to the Loyola University Police does not require filing criminal charges. Nor does it require the complainant to participate in a University investigation. However, it does allow the University to assist and support the complainant. Loyola University Police offers complainants the option of communicating with a counselor on-call or a Complainant's Advocate. If you are a student complainant of sexual assault, you have the right to pursue the remedies and processes set forth in this Policy and the [Student Code of Conduct](#).

The University encourages you to report sexual assault both to campus safety and to the local police and will assist you in doing so. You may choose to:

- A. Report the incident to University Police and pursue University judicial action and/or criminal charges with the New Orleans Police Department; or
- B. Only report the incident without pressing charges; or
- C. Report the incident anonymously without providing any personal information.

7. Title IX Coordinator

A. Roles and Responsibilities of Title IX Coordinator

The Title IX Coordinator oversees the University's efforts to comply with and carry out its responsibilities under Title IX, including investigation of any complaint communicated to the University alleging noncompliance with Title IX or alleging any actions which would be prohibited by Title IX. The Coordinator will track reports of discrimination and sexual harassment for statistical purposes and report at least annually concerning their number, nature, and disposition to the University President or their designee. The Coordinator may keep confidential records of reports of sexual harassment and the actions taken in response to those reports, and use them for purposes such as to identify individuals or departments likely to benefit from training so that training priorities can be established. Investigation records and evidence obtained in investigations will be maintained separately from student records and personnel files in a secure, limited access location for a period of time in accordance with the University's Record Retention Policy and in accordance with Title IX guidelines from the federal government.

B. Contact Information for Title IX Coordinator

The Title IX Coordinator is:

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- Dr. Dawn Broussard
(504) 864-7151
dbrous1@loyno.edu

8. ADA/Section 504 Coordinators

A. Roles and Responsibilities of ADA/Section 504 Coordinators

The University's ADA/Section 504 Coordinators have overall responsibility for assisting the University in meeting the requirements of the ADA and Section 504, including assisting individuals with disabilities in seeking reasonable accommodations; delivering support; providing auxiliary aids; addressing concerns about disability discrimination; and coordinating campus services for students and employees with disabilities.

B. Contact Information for ADA/Section 504 Coordinators

The ADA/Section 504 Coordinator for Students is:

- Andrea Rodriguez
504-865-3265
alrodrig@loyno.edu

The ADA/Section 504 Coordinator for Faculty/Staff is:

- Rachel Dirmann
504-864-7768
rdirmann@loyno.edu

9. Protection Against Retaliation

Retaliation and/or reprisals against an individual who in good faith reports or provides information about behavior that may violate this policy are against the law and will not be tolerated. See also the Loyola University [Non-Retaliation Policy, Policy No. 5-16](#) for more information.

10. Confidentiality

The University recognizes the importance of confidentiality. Those responsible for implementing this Policy will respect the confidentiality and privacy of individuals reporting or accused of discrimination or harassment to the extent reasonably possible. Although individuals involved with investigations are not asked to abide by a nondisclosure agreement, information should be shared on a need-to-know basis to avoid claims of the [Family Educational Rights and Privacy Act \(FERPA\)](#) violations, defamation, or threats of retaliation. In all cases, the issues of confidentiality must be balanced with the University's need to investigate and take appropriate action. FERPA protects a student's right to review his or her education record and it permits the University to inform the complainant of the institution's final determination and any disciplinary sanctions imposed on the perpetrator in sexual violence cases, not just those sanctions that directly relate to the complainant.

11. Investigation Procedures and Protocols

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A. Formal Options

The applicable procedure depends on the circumstances and the status of the person bringing the charge and the person against whom the charge is brought. Generally, the process consists of the individual's submission of a complaint, a fact-finding process or investigation by a University representative, followed by a decision and, in some cases, the possibility of one or more appeals, pursuant to the [faculty appellate process](#), the [human resources operating manual](#) or the [Student Code of Conduct](#). The relevant grievance/adjudication procedure and appeal procedure (see below) should be read carefully, since the procedures vary considerably. The investigation will be conducted in a way that respects, to the extent possible, the privacy of all persons involved. The results of the investigation may be used in any complaint or disciplinary action. Throughout the investigation and any subsequent appeals, all parties shall have the right to have an advisor or attorney of choice present at any meeting. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process. The advisor is a silent and non-participating presence who is there solely to observe and provide support during the process. The University has the right at all times to determine what constitutes appropriate behavior on the part of an advisor as well as the right to request that an advisor leave a meeting in the event the investigator determines that the advisor is not acting appropriately. The advisor may not be a fact witness or otherwise have any conflicting role in the process.

- **For Students**

- Investigations involving students will be conducted by a Student Conduct Officer.

- **For Staff**

- Investigations involving staff members will be conducted by Human Resources.

- **For Faculty**

- Investigations involving faculty members will be conducted by the Office of the Provost.

Reports of sexual harassment are taken seriously and the University strives to complete the investigation process within 60-business days of receiving a complaint. Depending on the complexity of the investigation and the severity and extent of the alleged conduct, timeframes for investigations may vary. However, the University will provide periodic status updates throughout the process, and the University aims to respond promptly and equitably to all complainants.

B. Grievance/Adjudication Procedures and Appeals

In appropriate cases, disciplinary procedures may be initiated. The applicable disciplinary procedure depends on the status of the individual whose conduct is in question:

- i. Students are subject to the [Student Code of Conduct](#).
- ii. Staff members are subject to the [Human Resources Policies and Procedures Manual](#).
- iii. Faculty are subject to the [Faculty Handbook](#).

The individuals referenced in this section are available to discuss these options and other methods for dealing with discrimination and harassment. Investigators will make findings using a preponderance of the evidence standard or "more likely than not." The specific action taken in any particular case depends on the nature and gravity of the conduct reported and may include

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intervention, mediation, investigation, and the initiation of complaint and disciplinary processes. Where discrimination and harassment has occurred, the University will act to stop the harassment, prevent its recurrence, and discipline and/or take other appropriate action against those responsible. Both parties receive simultaneous written notice of the outcome in the form of a redacted copy of the decision. The Clery Act requires, and Family Educational Rights & Privacy Act (FERPA) permits, the University to inform the complainant of the University's final determination and any disciplinary sanctions imposed on the perpetrator in sexual violence cases (as opposed to all harassment and misconduct covered by Title IX) not just those sanctions that directly relate to the complainant. The question sometimes arises as to whether the University will defend and indemnify a University employee accused of discrimination or sexual harassment. The issue of indemnification depends on the facts and circumstances of each situation.

C. Prevention and Education

Consistent with this Policy and the University's commitments under it, the University offers a variety of prevention and education/training programs and services for its faculty, staff, and students. Such programs and services may include:

- New student orientation training, specifically Everfi courses
- New employee orientation, which includes a discussion of important information regarding Human Resources policies and procedures, specifically the Discrimination and Harassment Policy;
- Sexual discrimination and harassment training requirement for all University employees, which includes reporting of sex and gender discrimination incidents, including sexual harassment, sexual assault, stalking, domestic violence, and dating violence, is designed

D. Training

To inform all employees about their duty to report sexual harassment and other behaviors that fall under Title IX;

- Bystander Intervention training for students, which includes measures that students may take as active upstanders to prevent sexual harassment or violence;
- Workshops and event programming for "Take Back the Night;"
- Group counseling for students;
- Residence hall posters and presentations;
- Care for the Pack blog posts providing health information to students, faculty, staff, parents, and alumni;
- Sexual Aggression Prevention Programs;
- Sexual Trauma Support Group;
- Conducting Campus Climate Surveys;
- Boots on the Ground training for faculty; and
- Student Handbook information.
- Complainant Advocates training for students, faculty, and staff;
- Clery Act training for University Police and Campus Security Authorities;

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- Training for Title IX Coordinator, Title IX Deputy Coordinators, and Title IX Investigators, which includes a discussion of domestic violence, dating violence, sexual assault, and stalking. Additionally, the annual training will review how to conduct an investigation and the hearing process that both protects the safety of complainants and ensures due process for all parties.

E. Enforcement of Policy

A person found responsible for discrimination or harassment as prohibited in this Policy may face:

- Student disciplinary action, up to and including dismissal
- Letter of reprimand
- Denial of promotion
- Demotion
- Suspension
- Termination

The University may also take necessary interim actions before determining whether a violation has occurred. The University may terminate relationships or take other appropriate actions against non-University entities that violate this Policy.

E. Policy Review and Evaluation

This policy amends the policy previously adopted on May 17, 2012, and adopted as revised on August 8, 2022. This Policy is subject to periodic review by the Office of Government and Legal Affairs. Any comments or suggestions should be forwarded to the Office of Government and Legal Affairs.

XVI. COVID ADDENDUM TO THE STUDENT CODE OF CONDUCT

1. Introduction

During challenging and uncertain times, we need to lift each other up and act in ways that demonstrate our Jesuit Values of being people for and with others. COVID presented unprecedented challenges worldwide and gravely impacted and continues to impact the local New Orleans community including Loyola University. For that reason, we have developed this addendum to the Student Code of Conduct, which codifies best practices related to mitigating the spread of COVID on college campuses.

This is a living document; the policies may change as we receive more guidance from the federal, local, and state organizations. Any changes to this document will be announced on the Student Affairs website and will be communicated to all students through their Loyola email.

2. Student Responsibilities

- A. Administrative Instructions:** Students must comply with any directive from the University *and* Federal, State, or Local Government (e.g. wearing masks indoors).
- B. Disorderly Conduct:** Disorderly conduct includes any behavior that disrupts or interferes with the orderly functioning of the University or the performance of duties by University personnel and/or any behavior that unreasonably disturbs the peace and/or comfort of a person or persons. Disorderly

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conduct can encompass disturbances in the classroom or at other University functions that take place in person or online. *For example, students must refrain from “Zoom bombing.”*

- C. Conduct Unbecoming:** Responsible individual behavior is a basic expectation. Such behavior must stem from a recognition of and basic concern and respect for the dignity, rights, and sensibilities of others. Therefore, any social behavior which might offend these rights, sensibilities, and dignity is clearly inappropriate and will subject a student to discipline. *For example, if a student mistreated another student because they tested positive for COVID, this would be a violation of this policy.* This policy also includes behavior that occurs online.
- D. Administrative Instructions - Isolation/Quarantine:** *In compliance with CDC guidelines, the University will require students who have tested positive for COVID or any unvaccinated student who has been exposed to someone with COVID to isolate/quarantine.* Students must comply with any directive from a University official or medical professional regarding isolation/quarantine in the event of exposure or infection from COVID including following any direction to move to a new room or floor during the isolation/quarantine period. *If a student shows symptoms of COVID, tests positive for COVID, or becomes exposed to someone with COVID, they should immediately call Student Health Services (504-865-3326); Student Health Services and/or Residential Life will provide the student with more information about the next steps (e.g. isolating/quarantining, getting food, etc.).*
- i. In the event of an evacuation emergency, students staying in residence hall isolation/quarantine due to a COVID diagnosis or exposure should proceed to the nearest exit with essential items, including a personal face mask or covering.
 - ii. Quarantined students in Buddig Hall should proceed to the first floor of the Freret Parking Garage; they should distance themselves from other residents by at least 12 feet.
- E. Falsification or Misuse of Records:** Loyola University New Orleans and Louisiana law require all students to submit vaccination documentation as stated [here](#). Falsification of vaccination records is a violation of federal and state law and the Student Code of Conduct. Violations of state and federal law are reportable to the state department of health, the Louisiana Attorney General, and the U.S. Department of Health and Human Services Office of Inspector General for any criminal enforcement. Violations of the Student Code of Conduct shall be addressed in accordance with the relevant student disciplinary procedures.
- F. Student Organizations:** Students may continue to use video-conferencing platforms (e.g. Google Meet; Zoom) for meetings or events as a virtual option.

3. Possible Sanctions

Consequences for violating any policy in this addendum to the Student Code of Conduct could include but are not limited to a verbal warning, conduct reprimand, disciplinary probation, removal from University housing, and suspension or dismissal from the University.

In addition, failure to follow this policy can result in disciplinary fines: \$50 for a first offense, \$100 for a second offense, and \$150 for all subsequent offenses (community service can be issued in lieu of a fine). Fines are issued by Student Conduct. Students who fail to follow any aspect of this policy may also be required to complete community service, attend educational programs, and/or meet with University officials such as those in Student Health or Public Health. If a student’s behavior or actions could potentially cause a health risk for themselves or others, the student’s parents/guardians may be contacted.

Please visit [Loyola's COVID FAQ site](#) for more information on health and safety and resources.