



Student Code of Conduct

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Policy Owner: Division of Student Affairs

VI. STUDENT CONDUCT PROCEDURES (NON-TITLE IX MATTERS)

(Refer to the University [Title IX Policy](#) for processes and procedures associated with reporting and adjudicating Title IX)

Student Conduct Procedures

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). Charge(s) based on alleged Code violation(s) may be brought against any student or student group or organization by the University. If it is determined that the allegation(s) rise to a potential Code violation(s), the conduct process will commence as follows.

As part of the preliminary review, the DSC or designee may consider a student or organization's prior conduct history when addressing new allegations of misconduct. Prior history may be reviewed if it is directly relevant to the new allegation(s) or if there is evidence of a pattern of behavior that violates University policies or the rights of others. In such cases, the DSC or designee may determine that additional charges are appropriate, and/or may later consider prior history when determining sanction(s) if the student or organization is found responsible. Past conduct that is irrelevant or unfairly prejudicial will not be considered.

Preliminary Conduct Meeting

The Preliminary Conduct Meeting will be facilitated by a University administrator designated by the DSC or designee. Respondents will be provided notice, in writing via email, of the date, time, and location of the Preliminary Conduct Meeting. Alternatively, it may be requested that the respondent contact the assigned administrator to set up a meeting by an established deadline.

At this stage, the respondent is presumed not responsible for any alleged violations. The purpose of the Preliminary Conduct Meeting is to review the allegations, explain the conduct process, and explore resolution options.

During the Preliminary Conduct Meeting, the respondent will receive additional information about the student conduct process, including information relating to: resolution options available through the conduct process; the hearing process; and the range of potential sanctions for the charged violation(s).

The facilitating administrator will give the respondent the opportunity to:

- come to mutual resolution during the Preliminary Conduct Meeting, waiving the right to a hearing and the right to an appeal;
- request a hearing; or
- accept responsibility for the charge(s) but request further hearing on the sanctions. In this event, the statement of responsibility will be accepted and the matter will be referred for a hearing on the sanction(s) only. There will be no appeal of the finding of responsibility.

Additionally, the respondent and the facilitating administrator may mutually agree that no violation occurred, resulting in an outcome of Not Responsible without the need for a hearing.

If a respondent fails to attend the Preliminary Conduct Meeting, the matter will be scheduled for a hearing. A letter will be sent to the respondent informing them of the hearing date/time.

1. Hearing Bodies and Operating Procedures

The University utilizes Administrative Hearings and Student Justice Board (SJB) Hearings 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.

A. Administrative Hearing

An Administrative Hearing is typically held between the respondent and one administrative hearing officer. In certain cases, such as those involving complex facts, potential separation from the University, or respondents enrolled in graduate, professional, or law programs, the University may convene a panel of two or three administrative hearing officers. Panel members will be trained University staff selected by the Director of Student Conduct (DSC) or designee.

Administrative hearings may occur in two forms:

- **Standard Administrative Hearings:** In which the hearing officer determines both responsibility and sanction(s) for the alleged violation(s).
- **Sanction Hearings:** In these cases, the respondent has already accepted responsibility for the violation(s) during the Preliminary Conduct Meeting but requests a hearing to determine the sanction(s) only. The finding of responsibility is final and cannot be appealed or overturned through any appeal process. The hearing is therefore limited to determining appropriate sanction(s). Respondents retain the right to appeal the sanction(s) imposed, but only on the established grounds for conduct appeals

Administrative hearing officers may assign sanction(s) consistent with the Code, University policy, and past precedent. Decisions are final and sanction(s) are implemented pending the appeal process.

B. Student Justice Board Hearing

The Student Justice Board (SJB) consists of approximately 10–15 members selected through an interview process and vetted by the Director of Student Conduct (DSC) or designee. All appointments are for one academic year, with no term limits.

SJB hearings are conducted by a three-member panel selected by the DSC or designee. Decisions of a three-member panel are made by majority vote. The DSC or designee advises the panel throughout the hearing and ensures that proceedings comply with the procedures and guidelines set forth in this Code.

If a panel member is unable to participate in a scheduled hearing or continue participating after the hearing has begun, the hearing may proceed with the remaining two panel members only if the respondent waives the three-member panel requirement. Any decision rendered by a two-member panel must be unanimous. If the

respondent does not waive the three-member panel requirement, the hearing will be rescheduled in accordance with the procedures established by the DSC or designee.

The DSC or designee may resolve procedural matters not expressly addressed in this Code in a manner that is fair to all parties and consistent with the intent of these procedures.

SJB hearings may occur in two forms:

- **Standard Board Hearings:** The panel determines whether a respondent is “responsible” or “not responsible” for the alleged violation(s). If responsible, the panel recommends appropriate sanction(s).
- **Sanction Hearings:** In these cases, the respondent has already accepted responsibility during the Preliminary Conduct Meeting but requests a hearing to determine sanction(s) only. The finding of responsibility is final and cannot be appealed. Respondents may, however, appeal the sanction(s) on the same grounds as any other conduct case (procedural error, new evidence, or disproportionate sanction). The appeal process will only address sanction(s) and cannot alter or overturn the finding of responsibility.

If a finding of “responsible” is reached in a Standard Board Hearing, or if a matter is referred for a Sanction Hearing, the SJB will make a recommendation to the DSC or designee, who makes the final sanction decision. Past violations of the Student Code of Conduct may be factored into the sanctioning process once a decision of responsibility has been established. Previous conduct will not be considered in determining whether a respondent is “responsible” or “not responsible” in full hearings.

A written decision will be issued after each hearing. This decision letter will include findings on the charge(s), if applicable, the sanctions assigned, the rationale for the decision, and a complete description of the sanctions. Appeal criteria and procedures will also be outlined.

Conflict of Interest

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 body of a conflict of interest may do so by submitting a Conflict of Interest Challenge Form. The form will be provided with all notices of hearings and must be submitted within three (3) working days of the individual being notified of the identity of the officer or board members.

If the complainant or respondent fails to submit a Conflict of Interest Challenge Form within this timeframe, they waive 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).

Standard of Proof

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.

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 may not act on behalf of the person(s) they are advising.

(advisee). This includes corresponding on behalf of the advisee, submitting information or materials on behalf of the advisee, and addressing the hearing body or questioning witnesses during a conduct proceeding. 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 (2) working days prior to the meeting or hearing. The University retains the right to have legal counsel present at any conduct meeting or hearing.

Witnesses

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.

Statements

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.

Hearing Attendance

All administrative hearings will take place with or without the presence of the respondent and sanctions will be assigned should they be found responsible.

Closed Hearings

Hearings will be closed to the public and will not be recorded.

Accommodations

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 Office of Student Conduct from OAE.

2. Disciplinary Hearing Procedures

A. Notice of Hearing

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.

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

3. Rights of Students

The following rights shall be provided to both a respondent and complainant in any 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 present 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 present 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.
 - 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.

4. Rights of Respondent

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

- 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.

- 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 Office of Student Conduct.
- 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.
- The right to provide a statement in response to the alleged violation(s).
- 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.
- The right to appeal the outcome of the hearing per the appellate processes outlined in this Code.

5. Rights of Complainant

The following rights shall be provided to a complainant in any 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.
 - 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.

6. 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 Office 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.

7. 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 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 (5) 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. Students may be restricted from registering or receiving transcripts until all sanctions are completed.

A. Status Sanctions - Students

- **Disciplinary Warning:** A formal written notice that a student has been found responsible for violating the Code. A Disciplinary Warning informs the student that additional violations of the Code may result in more severe disciplinary action, including Disciplinary Probation, Disciplinary Suspension, or Disciplinary Dismissal, depending on the circumstances of the case. A Disciplinary Warning remains part of the student's conduct record but does not affect the student's good standing with the University.

- **Disciplinary Probation:** A temporary loss of good standing with the University for a specified period of time. During Disciplinary Probation, additional restrictions or conditions may be assigned and will be specified in the student's outcome letter. If the student is found responsible for additional violations of the Code or fails to comply with the terms of Disciplinary Probation, more severe disciplinary action may be taken, including Residential Suspension, Disciplinary Suspension, Residential Dismissal, or Disciplinary Dismissal. Upon successful completion of the probationary period and any assigned conditions, the student will be returned to good standing.
- **Disciplinary Suspension:** A separation from the University for a specified period of time during which a student may not participate in academic or non-academic University activities. A suspended student must leave campus and remain off campus during the suspension period unless prior written approval is granted by the Director of Student Conduct or designee. Additional conditions may be assigned as part of the outcome and may be required during the suspension period or as a condition of returning to the University.

Students suspended after the beginning of an academic term may forfeit tuition, fees, housing, and meal plan charges in accordance with University policy. Academic and registration consequences are administered in accordance with University procedures.

A transcript notation reflecting the student's disciplinary suspension will be placed on the student's academic transcript for the duration of the suspension.

Prior to returning to the University, the student must meet with the Director of Student Conduct or designee to review the circumstances of the suspension, any conditions completed during the suspension period, and expectations for the student's return to the University community. Upon return, the student will be placed on Disciplinary Probation for one semester.

Students seeking to return to the University following suspension must satisfy all conditions of the suspension and applicable University readmission requirements.

- **Disciplinary Dismissal:** A permanent termination of a student's status with the University, including exclusion from University property, programs, activities, and privileges. A dismissed student may not be present on University property or participate in University-sponsored activities without prior written approval from the Director of Student Conduct or designee.

A transcript notation reflecting the student's disciplinary dismissal will be placed on the student's academic transcript.

Additional academic and financial consequences are administered in accordance with University policies and procedures.

- **Residential Suspension:** A temporary separation from University housing for a specified period of time. During the period of Residential Suspension, the student may not reside in or enter the residence halls as either a resident or visitor except with prior written approval from the Director of Residential Life or designee. Additional conditions may be assigned as part of the outcome and may be required during the Residential Suspension period or as a condition of returning to University housing. Students seeking to return to University housing following Residential Suspension must satisfy all conditions of the suspension and applicable housing requirements.
- **Residential Dismissal:** A permanent removal from University housing. A student who is assigned Residential Dismissal is permanently prohibited from residing in or entering the residence halls as either a resident or

visitor except with prior written approval from the Director of Residential Life or designee.

- **Other Status Sanctions:** The University may assign other status sanctions instead of, or in addition to, those described above when appropriate to the circumstances of the case. Other status sanctions may include, but are not limited to:
 - No Contact Orders;
 - Restrictions from specified campus locations or facilities;
 - Campus bans; and
 - Other restrictions deemed appropriate through the student conduct process.

B. Status Sanctions - Student Organizations

- **Organizational Disciplinary Warning:** A formal written notice that a student organization has been found responsible for violating the Code. An Organizational Disciplinary Warning informs the organization that additional violations of the Code may result in more severe disciplinary action, including Organizational Disciplinary Probation, Organizational Suspension, or Organizational Dismissal, depending on the circumstances of the case. An Organizational Disciplinary Warning remains part of the organization's conduct record but does not affect the organization's good standing with the University.
- **Organizational Disciplinary Probation:** A temporary loss of good standing with the University for a specified period of time. During Organizational Disciplinary Probation, additional restrictions or conditions may be assigned and will be specified in the organization's outcome letter. If the student organization is found responsible for additional violations of the Code or fails to comply with the terms of Organizational Disciplinary Probation, more severe disciplinary action may be taken, including Organizational Suspension, or Organizational Dismissal. Upon successful completion of the probationary period and any assigned conditions, the student organization will be returned to good standing.
- **Organizational Suspension:** A temporary suspension of a student organization's status with the University for a specified period of time. During Organizational Suspension, the student organization may not operate, recruit or accept new members, sponsor or participate in University activities or events, represent itself as affiliated with or recognized by Loyola University New Orleans, or otherwise exercise the privileges associated with its University status. Additional conditions may be assigned as part of the outcome and may be required during the suspension period or as a condition of reinstatement. Student organizations seeking reinstatement following Organizational Suspension must satisfy all conditions of the suspension and any applicable University requirements.
- **Organizational Dismissal:** A permanent termination of a student organization's status with the University. A student organization that has been dismissed may not operate, recruit or accept new members, sponsor or participate in University activities or events, represent itself as affiliated with or recognized by Loyola University New Orleans, or otherwise exercise the privileges associated with University status.
- **Other Organizational Status Sanctions:** The University may assign other status sanctions instead of, or in addition to, those described above when appropriate to the circumstances of the case.

C. Active Sanctions

Active sanctions are educational and restorative in nature. They are intended to help the respondent understand the harm or impact related to their incident, repair that harm where appropriate, and develop the knowledge and skills necessary to succeed as an active and contributing member of the Loyola community. Active sanctions may be assigned individually or in combination with one or more status sanctions.

- **Alcohol/Other Drug Education:** Completion of an assigned substance education program as directed.
- **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.
- **Educational Activity:** Completion of a specified activity, assignment, educational project or module, workshops, or other educational and/or restorative assignment.
- **Fines:** 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. Students found responsible for student conduct violations with assigned sanctions, such as educational modules, consultations, workshops or other programs may have fines applied to cover the cost of that programming. A violation of the Alcohol and/or Drugs and Controlled Substances policies may result in fines up to and including \$500. A fine may be applied if a respondent does not complete an assigned sanction(s) by the due date. Fines will be applied to the individual's student account.
- **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/Consultations:** 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.
- **Parent/Guardian 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 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.

8. Record Retention and Expungement

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 seven years from the incident report date 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).

9. Procedures for Conduct Appeals

A respondent found responsible for violating the Code may appeal the decision of the University's hearing bodies based on one or more of the grounds listed below. An appeal is a limited review of the record of the hearing based on the grounds cited in the appeal, and not a re-hearing of the case. Information citing the ground(s) for the appeal, as well as statement(s) or evidence supporting the ground(s) must be submitted via the [Appeal Submission Form](#) within five (5) 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

- Procedural Error.** There was a substantial error in the application of Code of Conduct procedures that significantly impacted the hearing (e.g., substantiated bias, material deviation from established procedures, denial of rights afforded in the Code of Conduct, etc.), the appeal must outline the following:
 - Citation of the specific procedure(s) with appropriate reference; and
 - Reason(s) why the appellant did not raise the procedural error during the original hearing; and
 - Reason(s) why the correction of the error(s) might have affected the determination(s) made in the original hearing.
- New Evidence.** Discovery of substantial new facts or evidence that were not reasonably available at the time of the hearing. Withholding information or declining to participate in the original hearing is not grounds for an appeal based on new evidence. If the appeal is based on new evidence the request must outline the following:
 - Source of the new information and complete explanation of that information; and
 - Name(s) of the individual(s) who can present this information; and
 - Reason(s) why this information was not able to be known at the time of the original hearing; and

- Reason(s) why this information might have had a substantive effect on the determination(s) made in the original hearing.

In cases where new evidence becomes known after the deadline to appeal, and the new evidence reasonably meets the ground for appeal, an appellate process may be granted at the discretion of the Vice President of Student Affairs or designee.

- iii. **Disproportionate Sanction(s)**. The appellant alleges that the sanction(s) imposed is/are grossly disproportionate to the finding(s) of responsibility for the violation(s) of the Code, considering the relevant aggravating and/or mitigating factors, including but not limited to the respondent's disciplinary history and/or impact on members of the community. The burden is on the appellant to provide support for the asserted grounds for appeal.

The appellate review will normally occur within seven (7) working days of a respondent filing an appeal to the appellate body listed below. The appellate body will review the appeal to determine whether the appeal can be granted on one or more of the appeal grounds selected by the respondent.

B. Appellate Body

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 (UBA)

The University Board of Appeals (UBA) is authorized to review appeals of disciplinary decisions from the Student Justice Board and Administrative Hearings. The UBA consists of trained members, represented by faculty, staff, and students.

Membership Requirements: Faculty and staff members are appointed by the Faculty Senate and the Vice President of Student Affairs (VPSA), respectively. Student members are appointed from the Student Justice Board (SJB), ensuring they have prior training and familiarity with the Code of Conduct and hearing processes, but shall not have participated in the original hearing. Temporary members may be appointed during the summer term or at such other times as are necessary by the Vice President of Student Affairs or designee.

Appellate Reviews: All UBA reviews are conducted by a panel of three members, with one representative from each constituency (faculty, staff, and students). Appeal decisions are made by a majority vote. All appeal reviews are advised by the Director of Student Conduct (DSC), or designee, who ensures procedural compliance, provides guidance on the Code, and answers process-related questions. In cases where decisions made by the DSC are being appealed, the VPSA, or designee, will serve in an advisory capacity instead.

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 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.

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 (5) 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.

10. Amnesty

Loyola University New Orleans strongly encourages students and individuals to seek help immediately in situations involving medical emergencies, sexual misconduct, violence, and other serious incidents. Recognizing that students may hesitate to report such incidents for fear of facing disciplinary action for minor policy violations (such as underage alcohol or drug use), the University offers an Amnesty policy to reduce barriers to seeking help.

When a student reports an incident to obtain medical assistance for themselves, another student, or another individual, neither the reporting student nor the student needing medical attention will typically face disciplinary charges for minor violations of the Student Code of Conduct.

In such cases, the University may require students receiving amnesty to complete educational or supportive interventions to promote learning and accountability. Failure to complete any assigned educational requirements may result in a referral to the conduct process.

Amnesty does not prevent conduct action for more serious violations (e.g., physical violence, harassment, property damage) and may not be available to students with a significant history of misconduct or who fail to cooperate with University officials.

In order for a student to receive amnesty, the following actions must be taken:

- Call for help - either for yourself or the other student(s). You can reach LUPD at 504-865-3434.
- Wait for help to arrive.
- Cooperate fully once help arrives (e.g., give your name, respond to instructions, etc.).

11. No Contact Order

A No Contact 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 No Contact Order can be issued. The No 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 No Contact 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, removing the student(s) from the residence hall environment, and/or restricting presence in a residence hall.

Violation of the terms or conditions of the No Contact 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.