

## **University of New Orleans Judicial Code**

The basic philosophy of the policies and procedures in this section is one of education. The focus is on growth and development of the individual student by encouraging self-discipline by publishing clear behavioral guidelines (rules and regulations) and by fostering the rights and privileges of others.

There exists a fundamental difference between the nature of the student judicial code and that of criminal law. The judicial code is not intended to resemble the policies or procedures of the criminal justice system. The rules of criminal law are neither required nor necessary to achieve the educational goal of the university judicial code.

The University of New Orleans (UNO) is a multicultural community composed of diverse students, faculty and staff. UNO will not tolerate discrimination or harassment of any person or group of persons based on race, color, religion, sex, disability, national origin, age, sexual orientation, marital or veteran status or any other status protected by law. Each member of the university is held accountable to this standard, which is strongly reflected in this code.

### **Code Authority**

The University of New Orleans was established by the Louisiana Constitution and bylaws. The provisions of Article VIII, Section 7 of the Louisiana Constitution of 1974, and Louisiana Revised Statute 17:3351, state that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College has the authority to exercise all power needed to direct, control, supervise and manage all colleges and administrative units in the LSU System, including UNO. It further defines the disciplinary powers as being those powers necessary to adopt, amend or repeal rules and regulations for the government and discipline of students.

The authority to administer the day-to-day affairs of the university has been given to the Chancellor by the President of the LSU System. The Chancellor, in turn, has delegated the authority to administer the judicial code to the Division of Student Affairs.

### **Statement of Purpose**

The university has the legal right and moral obligation to establish reasonable rules for academic and personal conduct and to deny admission to applicants or continued enrollment to students who do not meet or maintain these standards. The university does, in addition, reserve the right to review any action taken by civil or judicial authorities regarding UNO students or student organizations. Special conditions such as counseling and/or sanctions may be imposed on students or student organizations that are found in violation of these standards.

## **Definitions**

The definitions of the following terms used throughout this code are provided for clarity and better understanding.

**Academic Exercise:** Any assignment given by a faculty member. This includes, but is not limited to, tests, examinations, papers, projects, art works, sculptures or computer programs.

**Accused:** Any student or student organization who allegedly violated a university rule, regulation or policy.

**Advisor:** Any person that the accused/complainant chooses at his/her expense to bring to a UNO Judicial Committee hearing, such as a parent, legal guardian, friend or teacher. The advisor only advises or consults with the accused/complainant and is not permitted to participate or to speak on behalf of the accused/complainant during any judicial hearing.

**Appeal:** A procedure by which a complaint is reexamined or reviewed. An appeal is considered by the Dean of Student Affairs.

**Associate Dean for Judicial and Student Assistance:** The Associate Dean is the university official who ensures that all procedures are properly followed, records are properly maintained and sanctions are properly enforced. In addition, the Associate Dean, or his/her designee, explains the process to everyone involved, coordinates the UNO Judicial Committee and conducts the Resolution Conferences. The Associate Dean receives the recommendation of the UNO Judicial Committee and may either accept, reject or adjust in whole or in part their recommendation.

**Chair:** The faculty member who is in charge of the UNO Judicial Committee.

**Code:** The Student Judicial Code that governs the behavior of students and student organizations.

**Complainant:** The person who alleges a violation of the judicial code by a student or student organization.

**Complaint:** The official document accusing the student or student organization with alleged violation(s) of university policies, rules or regulations. The accused is to receive a copy of this document.

**Dean of Student Affairs:** The university official who has been delegated the authority by the Chancellor to oversee the judicial process, including the consideration of judicial appeals.

**Evidence:** The facts and information that support or refute the alleged violation(s). Evidence should be attached to the complaint that provides a detailed account of the violation. Evidence may also include secondary or indirect knowledge relating to the alleged violation.

**UNO Judicial Committee:** A group of faculty, staff and students who review alleged violations of the judicial code by means of an informational judicial hearing and recommends to the Associate Dean whether a violation has occurred and the appropriate sanction(s), if any.

**Flag:** A notation on a student's record that bars a student from enrolling, receiving grades or other types of privileges.

**Hazing:** see Hazing Policy.

**Judicial Record:** Documents concerning student or student organization violation(s). These records are maintained in the Student Affairs Office.

**Notification:** Written notice of a pending or resultant judicial proceeding that is usually mailed to the student by the Student Affairs Office, although notification can be delivered personally.

**Policy:** Any written rule or regulation of the university as found in, but not limited to, the Student Handbook, Undergraduate and Graduate Catalogs, Student Organizations Handbook, LSU System Bylaws and Regulations, University Administrative Procedures (APs), etc.

**President:** The official head of a student organization. For the purpose of this code, the president may appoint a student designee.

**Regulation:** A rule, policy or law by which conduct is ordered or regulated.

**Resolution Conference:** The process by which the accused and the complainant discuss the alleged violation with the Associate Dean and agree on a resolution. If no resolution is reached, an informational judicial hearing will be conducted by the UNO Judicial Committee.

**Sanction:** A penalty imposed upon a student or student organization for violation(s) of university policies, rules or regulations. The primary purpose of a sanction is to assist the student or student organization in reshaping or redirecting behavior.

**Semester:** Any period that students are enrolled for classes, usually referred to as fall, spring or summer semester. The time periods between semesters are also covered.

**Student:** Any person who is registered for study in the university, including Metropolitan College. In addition, this term includes persons who are not officially enrolled for a particular semester but who have a continuing relationship with the university, e.g., any person accepted for admission or readmission.

**Student Policy Manual:** The official source of university policies, rules and regulations for students and student organizations. The Policy Manual is compiled by the Office of Student Affairs and published by the University of New Orleans.

**Student Organization:** All departmental, registered, or provisional student organizations on campus. A registered organization must meet the formal requirements as established by the Campus Activities Office.

**University:** The University of New Orleans (UNO), including all departments, colleges, programs, activities and affiliations.

**University Document:** Any written communication or record maintained by the university.

**University Official:** A member of the university community who is given the authority to implement and supervise university activities.

**University Property:** All land, buildings, facilities, equipment or other property owned, leased, loaned or controlled by the university and the Louisiana State University System.

**Violation:** A breach, infringement, disobedience or disrespect of a university policy, rule or regulation.

**Withdrawal:** When a student, either voluntarily or involuntarily, is no longer enrolled in the university and therefore is no longer a student.

**Witness:** A person who can give a first-hand account of an incident.

**Working Day:** Each day that the university is open for official business.

### **Due Process- Substantive and Procedural**

The purpose of this code is to provide for the orderly administration of the student and student organization judicial process in view of the principles of due process.

It is assumed that all persons involved in the judicial process will provide accurate and truthful information. There are two types of due process, substantive and procedural

Substantive due process requires that all university regulations, rules and policies governing student conduct and judicial matters are fair and reasonable. The treatment of students accused of a violation shall be based on the general principle of fair and equal treatment, regardless of race, color, religion, sex, disability, national origin, age, sexual orientation, marital or veteran status or any other status protected by law.

Procedural due process requires that adequate notice and an opportunity to be heard be provided when required by law.

### **Faculty and Departmental Judicial Action**

Faculty and staff complaints regarding students and/or student organizations should be handled at the lowest possible level. In general, that means that the faculty member, department personnel, or staff member should first attempt to resolve the conflict with the student directly.

In the case of a student's inappropriate behavior in or out of the classroom, a faculty or staff member may assign a Warning or Restitution and ask the student to leave the classroom or location for that period but may not permanently ban him/her from the class or location.

If a student does not agree that a violation occurred or does not agree with the sanction imposed, he/she may request to have the case heard through the judicial process outlined in the code.

Alleged violation(s) or sanction(s) that are considered to be more severe must be directly addressed through the judicial code. All departmental sanctions must be sent to the Associate Dean for Judicial and Student Assistance in writing within seven (7) working days. The attending record will be maintained with all other judicial rites in the Student Affairs Office. Other operating units of the university, e.g., academic colleges, academic departments, University Housing, University Center, Campus Activities, Library, cafeterias, intramural and intercollegiate athletics and Greek governing structures, may also have rules and policies that students and student organizations must follow, as long as they are consistent with the provisions of this code. If questions arise over a violation, a sanction or a policy, this judicial code shall supersede.

### **Academic Dishonesty**

Academic honesty and intellectual integrity are fundamental to the process of learning and to evaluating academic performance. Maintaining such integrity is

the responsibility of all members of the University. All faculty members and teaching assistants should encourage and maintain an atmosphere of academic honesty. They should explain to the students the regulations defining academic honesty and the sanctions for violating these regulations.

However, students must share the responsibility for creating and maintaining an atmosphere of honesty and integrity. Students should be aware that personally completing assigned work is essential to learning. Students who are aware that others in a course are cheating or otherwise committing academic dishonesty have a responsibility to bring the matter to the attention of the course instructor and/or academic unit head, or the Associate Dean. To promote academic integrity, students will assign the following pledge when required by the instructor.

I pledge that I have completed the work I am submitting according to the principles of academic integrity as defined in the statement on Academic Dishonesty in the UNO Judicial Code.

**Academic dishonesty includes, but is not limited to, the following:**

**Cheating:** The act of deception by which a student misrepresents mastery of information on an academic exercise. These acts can be either premeditated or not. Examples include, but not limited to, copying or allowing someone else to copy from another student, unauthorized use of a textbook or other material during an examination; inappropriate and unauthorized collaboration during an academic exercise; unauthorized use or possession of specialty prepared materials, such as notes or formula lists, during an academic exercise.

**Plagiarism:** The unacknowledged inclusion of someone else's actual words, ideas or data as one's own, or the paraphrasing of someone else's words, ideas or data. This means that sources of information must be appropriately cited with footnotes or quotation marks and identified, whether published or unpublished, copyrighted or uncopyrighted.

**Academic Misconduct:** The actual or attempted tampering or misuse of academic records or materials such as transcripts and examinations. Examples include stealing, buying, or otherwise obtaining all or part of an unadministered test or academic exercise; selling or giving away or engaging in bribery to get all or part of an unadministered academic exercise or any information about it; changing or altering a grade book, test, or other official academic records of the University; entering a building or office without authorization for the purpose of changing a grade or tampering in any way with grades or examinations.

**Falsification/Fabrication:** The intentional use of false information or the falsification of research, findings, personal or university documents with the intent to deceive. Examples include citing information not taken from the source

indicated; listing sources in a bibliography not used in the academic exercise; inventing data or source information; submitting as one's own any academic exercise prepared totally or in part for/by another; taking a test for another student or permitting another student to take a test for oneself; submitting work previously used for credit in another course without express permission of the instructor; falsifying or misrepresenting oneself on resumes or other such documents or university related forms.

**Accessory To Acts of Academic Dishonesty:** The act of facilitating, supporting, or conspiring with another student to commit or attempt to commit any form of academic dishonesty.

### **Procedure for Reporting Academic Dishonesty**

Faculty complaints regarding a student's violation of academic integrity should be handled starting at the lowest possible level. In an instructor feels that academic dishonesty has occurred, the instructor should, if feasible, first meet with the student (or students) involved to discuss this matter. Whether or not a meeting with the student(s) takes place, the following procedures govern the reporting of academic dishonesty and any actions taken as a result of an incidence of academic dishonesty.

1. The instructor must (a) complete and file an Academic Dishonesty Report Form with the Associate Dean for Judicial and Student Assistance, (b) provide a copy of the Form to the student, and (c) submit copies of the Form to the Chair of the instructor's department and the Dean of the instructor's college.
2. The instructor may assign a grade of Zero or "F" on the academic exercise (such as test, paper, project, assignment, computer program, etc.) in question. This action is subject to the following provisions:
  - a. This grade may not be dropped in the calculation of the final grade;
  - b. If the instructor feels that the violation on the academic exercise in question threatens the learning outcomes for the course, then a permanent course grade of "F" may be assigned. If a student is found guilty of academic dishonesty as a result of the judicial process, an "F" or "WF" as appropriate will be recorded as that student's grade. A "WF" would be given in instances in which the student has dropped the course. Students who believe that the grade was unfairly assigned should consult with their professor for clarification.
3. Resolving the appropriate response to the alleged instance of academic dishonesty shall continue to a Resolution Conference with the Associate Dean for Judicial and Student Assistance and the instructor, and/or continue to a Judicial Hearing by a Judicial Committee, if

- a. the student, in filling in his/her part of the Academic Dishonesty Report Form, requests that the case be heard through the judicial process,
- b. the instructor and the Associate Dean for Judicial and Student Assistance agree that the act of academic dishonesty in question deserves further review and/or a different response than that made so far by the instructor.

If an alleged academic dishonesty case cannot be resolved prior to the issuance of the final grades, the instructor will assign an "ng" (no grade) grade. This notion will remain until the alleged violation has been completely resolved; at that time the faculty member can assign an appropriate final grade.

Alleged violation(s) or sanction(s) that are considered to be more severe must be directly addressed through the judicial code. All departmental sanctions must be sent to the Associate Dean for Judicial and Student Assistance in writing within seven (7) working days. The attending record will be maintained with all other judicial rites in the Student Affairs Office. Faculty and Departments should be aware that all instances of academic dishonesty must be reported to the Associate Dean for Judicial and Student assistance and that, upon a second report of academic dishonesty for any student, the case will automatically be brought before the UNO Judicial Committee.

### **Procedure for Reporting All Other Offenses**

Any member of the university community can lodge a complaint against any student or student organization believed to be in violation of this code. All complaints must be made to the Associate Dean in writing. Any complaint should be submitted as soon as possible after the alleged violation occurs, but preferably no more than seven (7) working days after the alleged violation(s) or knowledge of the alleged violations). The Associate Dean will review the complaint and will either proceed with the complaint or dismiss the complaint. If the complaint is dismissed by the Associate Dean, the complainant may submit a written appeal through the Associate Dean within three (3) working days of the dismissal to be heard by a panel of three selected from a pool of the UNO Judicial Committee. The appeal must explain why the complaint should be heard through the judicial process. The panel will notify the complainant, in writing through the Associate Dean, of their decision within five (5) working days of receiving the appeal. If the case is accepted and later goes to the UNO Judicial Committee, the panel members will not serve on the hearing committee. If the complaint is not dismissed, the Associate Dean will officially notify the student or student organization of the complaint.

The complaint should include: the name of the person making the complaint; the full name, address and telephone number (if available) of the person being accused of a violation or the student organization's name; the alleged violation(s); all information supporting the alleged violation (i.e., exam papers,

pictures, statement of reasons which support the complaint); date and time of the alleged violation; witnesses), (include information on how to contact witness(es)), names of persons involved or those with pertinent information; and a description of the alleged violation in a logical and clear manner. A student or student organization may be accused of more than one violation in the complaint.

Any person filing a complaint will be required to appear at the resolution conference, unless excused by the Associate Dean, and the judicial hearing, if one is conducted. Should the complainant not be excused and fail to appear at the resolution conference, the case may still be considered by the UNO Judicial Committee. Should the complainant not appear before the UNO Judicial Committee, the case may be dismissed.

### **Violations of the Judicial Code**

Judicial action may be initiated by the university or by any member of the university community. Sanctions may be imposed upon any student or student organization found in violation of the code. Even the most severe sanction, including suspension, denial of a degree or expulsion, can be imposed upon the first violation of any of the following rules and regulations:

1. Academic dishonesty, including but not limited to, cheating and plagiarism. (See section on Academic Dishonesty)
2. Physical, mental or verbal abuse, including assault and/or battery, by any person who poses a clear and present threat to the health, safety or wellbeing of any person in the UNO community. This may be a single incident or a series of incidents.
3. Sexual misconduct of any person.
4. Harassment of any person based on race, color, religion, sex, disability, national origin, age, sexual orientation, marital or veteran status, or any other status protected by law, that poses a clear and present threat to the health, safety or well-being of any person in the UNO community. This may be a single incident or a series of incidents.
5. Hazing, defined as initiation rites involving physical abuse or mental anguish. (See Hazing Policy)
6. Disrupting/jeopardizing the safety of the UNO community: e.g., tampering with elevators, tampering with fire safety equipment, falsely reporting a bomb or fire or engaging in behavior that creates a fire or safety hazard.
7. Possession, use, or threatened use of dangerous items including but not limited to firearms, weapons, fireworks or any gas liquid or other substance or

instrumentality, which in the manner used, is calculated or likely to produce death or great bodily harm.

8. Participating in campus demonstrations that disrupt the university operations or infringe on the rights of others, including, but not limited to, noting or inciting a riot.

9. Vandalism, malicious destruction, damage, or misuse of university or private property, including but not limited to university housing facilities.

10. Unauthorized use or misuse of university property, including but not limited to, the university computer facilities: e.g., access to facilities and/or rooms; access to computers, software, systems, data bases; making false entries; unauthorized transfer of a file; unauthorized use of another's password or ID number; defacing or destroying computer information or stored records.

11. Manufacture, distribution, sale, possession or use of illegal drugs and/ or paraphernalia violates the Drug Free Schools and Communities Act.

12. Forgery, alteration or misuse of university documents, records or Identification Card.

13. Intentionally failing to meet financial obligations to any authorized university office, including issuing bad checks or falsely reporting vending machine losses.

14. Dishonesty by providing inaccurate, incomplete or information which is deceiving, including admission application and/or financial aid information.

15. Theft, fraud, shoplifting, embezzlement or possession of stolen property (including buying and receiving stolen property).

16. Failure to follow any University Housing or Privateer Place policy and/ or regulation.

17. Misuse or unauthorized use of library materials, including but not limited to, theft, vandalism or malicious destruction.

18. Littering or endangering the environment.

19. Lewd, indecent, obscene or disorderly conduct, including but not limited to, conduct resulting from drug or alcohol use; undue noise or behavior that results in unreasonable annoyance; any obstruction or disruption of teaching, research, or administrative functions, judicial procedures, living and learning environment or other university activities, including public service functions or other authorized activities on university property or at university sponsored events.

20. Storing anything flammable/combustible inside a university building, including but not limited to, gas powered vehicles.

21. Gambling in violation of law.

22. Violation of university alcohol regulations, including solicitation of donations or use of alcohol as an enticement to events.

23. Failure to comply with university policies, rules or regulations as pronounced by university officials acting in the performance of their official duties.

24. Unauthorized release of private and confidential information from student, faculty or staff records, such as health, educational or financial information, unless permitted by law.

25. Tampering with an election of any officially recognized campus activity or organization.

26. Violation(s) of student organization rules, as stated in the group's constitution, Student Organization Handbook, and/or Student Policy Manual by any student organization or member of a student organization.

27. Abuse or blatant disregard of the Judicial system, including failure to comply with the terms of any university sanction, disrupting a judicial hearing or conference, harassment of any witness or providing false or inaccurate information at any judicial conference or judicial hearing.

28. Breaking and entering, trespassing and unauthorized entry.

29. Attempt to commit any violation of the judicial code or other university policy or regulation.

30. Accessory to any violation of the judicial code or other university policy or regulation.

31. Attempt to commit or the commission of any local, state or federal crime, or the violation of any ordinance or law. It is not necessary that the student be charged or convicted of a crime or violation in order to file a complaint through the university judicial process.

### **Student Organization Offenses**

A student organization may have a complaint brought against it for a violation of the judicial code. A student organization and its officers may be held collectively and/or individually responsible for violation(s) of the code. The alleged violation may take place either during an event sponsored by the organization or by an individual representing that organization.

Student organizations are responsible for compliance with the code and with university policies. Upon proof that a member who has violated the code had the knowledge and/or consent of his student organization officers or that the member acted in concert with at least four other members of the student organization, both the student organization and the individual members involved may be subject to university sanctions.

The following rights will be afforded to student organizations:

1. The president or his/her designee must be given reasonable notice of the complaint in accordance with the code. The president or designee is then required to represent the student organization in any proceedings. Failure of the president or designee to appear on behalf of the student organization will not prevent the disposition of the case.
2. The student organization's president or designee shall be afforded all procedural rights of the code.
3. Any individual who accepts an invitation to join any fraternity or sorority may be subject to individual fraternity or sorority and/or Greek governing structure sanctions in addition to university sanctions for group or individual offenses.

### **University Sanctions**

**Warning:** The student or student organization is given written notice that their conduct is in violation of university policies, rules or regulations. Future violations of the code may result in the imposition of additional sanctions.

**Community Service:** The student or student organization is required to complete a designated number of hours in the service of the university.

**Restitution:** The student or student organization is required to replace (replacement cost) or restore damaged, stolen or misappropriated property.

**Judicial Probation in the Office of Student Affairs:** The student or student organization is placed on supervisory status for a specified period of time.

**Judicial Probation with the Loss of Some Privileges:** The student or student organization is placed on supervisory status for a specified period of time, along with the loss of one or more privileges such as participation in or sponsorship of university recognized activities, holding any student office or committee chair, or use of university facilities or services.

**Judicial Probation in University Housing:** The student or non-student resident is placed on supervisory status for a specified period of time.

**University Wide Judicial Probation:** The student or student organization is placed on supervisory status for a specified period of time. The loss of some privileges, such as participation in or sponsorship of university recognized activities, holding any student office or committee chair, or use of university facilities or services may occur. This status will appear as a notation on the student's transcript with the specified term of the probation.

**Suspension from University Housing:** The student is removed from University Housing and/or may lose University Housing visitation rights for a specified period of time. If a student wishes to regain such privileges, he or she must contact the Associate Dean and receive approval. If approval is given, the student must apply for housing and/or visitation rights in accordance with University Housing procedures.

**Suspension:** The student's or student organization's status is temporarily terminated and all privileges, including access to the university and its resources, are removed for a specific period of time. For student organizations, this sanction means loss of all university privileges. For individual students, this sanction appears as a notation on the student's transcript until graduation.

**Suspension with Review:** This sanction is the same as Suspension outlined above but, in addition, the student or student organization must meet with the Associate Dean or the UNO Judicial Committee for approval prior to regaining full student or student organizational status or readmission to the university. A notation will appear on the student's transcript until graduation.

**Denial of a Degree:** The university may not award the student an academic degree. For example, a student may be denied an academic degree if found guilty of academic dishonesty. This is noted permanently on the student's transcript.

**Revocation of Degree:** An academic degree previously awarded by the university may be revoked on proof that it was obtained by fraud or dishonesty or that a significant part of the work submitted in support of the degree was plagiarized. This is noted permanently on the student's transcript.

**Expulsion:** The student or student organization is removed from the university, including access to the university and its resources, for a specific period of time. The student or student organization may request in writing through the Associate Dean for Judicial and Student Assistance a review of the sanction of expulsion. The Chancellor may:

Deny the request for review altogether, or upon proof of exceptional and/ or extenuating circumstances, may request that the UNO Judicial Committee recommend altering the student's or student organization's sanction, or may change the sanction. This is noted permanently on the student's transcript.

## **Types of Hearings: Resolution Conference or UNO Judicial Committee**

Any student or student organization accused of violating the judicial code must participate in a resolution conference with the Associate Dean and, when appropriate, the complainant. If the matter is not resolved at the conference level, a judicial hearing will be held before the UNO Judicial Committee.

### **Resolution Conference**

The purpose of a resolution conference is to resolve alleged violations in an informal setting. Once a written complaint has been lodged with the Associate Dean, the accused will be notified in writing of the complaint within a reasonable time. In addition, the accused will be mailed or otherwise provided with a copy of the Student Handbook, which outlines the judicial process. A pre-conference meeting may be held with the accused and a judicial staff member to explain the procedures and to discuss the evidence. This meeting will take place approximately three (3) working days prior to the resolution conference so that the accused has adequate time in which to prepare; however, circumstances may justify a shorter period between the pre-conference meeting and the resolution conference. A resolution conference consists only of the accused, the complainant (when appropriate), and the Associate Dean. At the resolution conference, the complainant may make a statement, followed by the accused's statement. Questions and discussion may follow. If an agreement has been reached on the violation(s), appropriate sanction(s) may be agreed upon if necessary. A written agreement including sanction(s), if any, will be prepared and the accused, the complainant and the Associate Dean must sign the agreement. If the agreement is not signed within three (3) working days, the case will be referred to the UNO Judicial Committee. If no agreement is reached, the case must be referred to the UNO Judicial Committee. If the accused falls to appear at the resolution conference, the case will be referred to the UNO Judicial Committee. Should the complainant not appear at the resolution conference and has not been excused by the Associate Dean, the case is subject to dismissal.

### **UNO Judicial Committee Composition and Power**

The UNO Judicial Committee holds an informational judicial hearing to review alleged violation(s). The maximum number of committee members shall be no more than four faculty/staff members and three students but no less than a total of four committee members, with at least one member being a student are required to hear a complaint. However, it is required that four committee members be present to vote on a complaint or sanction. A faculty member appointed by the Associate Dean shall serve as chair of the committee. At the discretion of the chair, non-voting committee members may be present. Members are chosen by the Chancellor from a pool of names submitted by each Academic Dean, university departments, and by the Student Government. To be eligible to serve, students may not be on academic probation or under any university sanction. The UNO Judicial Committee may consult any person(s) during the judicial process who they feel can assist in the fact finding and recommendation

process. If the accused is found to be in violation of the judicial code, the committee will recommend the appropriate sanction(s) to the Associate Dean. If the recommended sanction is expulsion, the committee's recommendation must be unanimous; if other sanctions are recommended, a majority vote is necessary. If the accused does not attend the judicial hearing and does not provide a satisfactory explanation of his/her absence at least 24 hours in advance of the hearing, or if the accused leaves the judicial hearing prior to its conclusion, the judicial hearing will proceed and the committee shall make a recommendation based on the available information. Should the complainant not appear before the UNO Judicial Committee, the case may be dismissed.

The chair is responsible for conducting an orderly judicial hearing and deciding on the admissibility of information, procedural questions, etc. The chair may expel or exclude anyone from the proceeding who is disorderly or for any other appropriate reason. It is expected that all persons involved in the judicial hearing will be treated with respect and it is the chair's role to ensure that the environment is conducive to the judicial process.

### **Judicial Hearing Procedures**

The accused will be given notice in writing of the time and place of the judicial hearing. The notice will include the alleged violation(s). All written evidence discussed at the resolution conference will be presented to the UNO Judicial Committee at the hearing. In addition, the Associate Dean will prepare and submit to the committee a written summary statement indicating why the case was not resolved at the resolution conference. The UNO Judicial Committee hearing will take place as soon as possible following the resolution conference.

Two (2) working days prior to the judicial hearing, both the accused and the complainant can submit the name of their adviser, witness(es) and additional written information (review the definition section). All information will be shared with the accused and complainant(s). To have any information released by the Associate Dean to the student's adviser, written approval from the accused must be obtained. It is both the accused and the complainant's responsibility to have their witnesses present. If any of the witnesses are university employees, they will be encouraged to attend the judicial hearing, but it must be understood that the university does not have the authority to require any person to attend a judicial hearing or conference.

When two or more students or student organizations are accused in the same complaint, each will have a separate judicial hearing before the UNO Judicial Committee unless a joint judicial hearing is requested in writing. The request must include the reasons of support and must be submitted to the Associate Dean at least two (2) working days prior to the judicial hearing. After review, the chair may decide to grant a joint judicial hearing only if it is shown that it would be fair and reasonable to all involved.

If the accused or the complainant feels that a member of the UNO Judicial Committee is biased, the accused and the complainant have the right to voice an objection. The committee will review and determine the validity of the request prior to the start of the judicial hearing. The order of the judicial hearing is as follows:

1. The UNO Judicial Committee will convene and review all written evidence. If the accused or complainant has written information to share with the committee, it must be submitted two (2) working days prior to the beginning of the judicial hearing. It is the responsibility of each, at their expense, to supply each committee member with a copy (copies for the committee and a copy or copies for the accused/complainant(s)).
2. The committee will conclude its executive session and admit both the accused and the complainant to the room. Both the accused and the complainant(s) will be present during the questioning.
3. The complainant may make a short statement and present information to the committee concerning the alleged violation(s).
4. The accused may make a short statement concerning the allegations.
5. The UNO Judicial Committee may ask questions to any persons present at the hearing throughout the process. Both the accused(s) and the complainant(s) may question each other and witness (es) by directing questions through the chair if the chair deems the questions are germane to the case. Also, questions about any written information submitted to support the allegation may be raised even if the author is not present.
6. Witness (es) for both the accused and the complainant will be called into the room to provide information supporting or refuting the alleged violations. The accused, the complainant and the witnesses may refuse to answer any question if the answer could lead to violations of this code or to violations of local, state or federal laws. The chair may call the committee into executive session at any time to discuss a procedural matter.
7. After all statements, questions and supporting or refuting information has been submitted to the committee, all non-committee members will leave, and the committee will go into executive session. At that time, the committee will decide if the accused was in violation of the code. The decision will be based on the information submitted at the judicial hearing. If the committee determines that a violation was committed, the committee will recommend an appropriate sanction to the Associate Dean. If the accused has been found in violation and has had judicial action taken and/ or sanctions imposed in the past, the chair will inform

the committee of such in order that this history can be considered when recommending a sanction.

8. The chair shall prepare a written summary of the judicial hearing, including the committee's recommendation and rationale. This is to be submitted to the Associate Dean. Should the accused request a copy of the written summary, it will be provided free of charge. All proceedings of the committee are officially recorded on tape except for executive sessions. No other recording devices may be used during the judicial hearing. The accused may request a copy of the official tape of the judicial hearing at his/her expense. The tape will be kept in the Office of Student Affairs for one year if the student is found in violation of the judicial code, two years if the sanction imposed is suspension, and indefinitely if the sanction is expulsion. The tape is destroyed if the student is not found in violation of the judicial code.

9. Within five (5) working days following the judicial hearing, the Associate Dean will render a decision, affirming, rejecting or modifying in any way the committee's recommendation. The accused and the complainant may pick up a copy of the judicial hearing decision from the Office of Judicial and Student Assistance. A copy of the decision will also be mailed to the accused's local address listed with the Registrar's Office. The appeal date is established by the date that the decision is mailed.

10. Appropriate university offices will be notified of the imposed sanction after the appeal deadline has passed.

### **Appeals Process**

The accused may file a written appeal of the Associate Dean's decision to the Dean of Student Affairs within five (5) working days from the mailing date of the decision. The appeal is processed through the Associate Dean. The decision of granting an appeal will be based upon information presented in the written letter of appeal.

The sanctions will not take effect until after the appeal is heard, unless it is determined by university officials that the student's presence on campus poses a threat of danger to persons or property or is an ongoing threat to the academic process or the safety of the UNO community.

The filing of a letter of appeal is a formal written request and must contain the student's name, the date of the decision, and the university's action taken, the name of the student's adviser, and a clear statement as to the basis of the appeal.

An appeal may be granted if one or more of the following applies:

1. Additional information is submitted which was unknown or unavailable at the time of the judicial hearing and would alter the facts of the case.
2. A substantial procedural error was committed.
3. A reasonable claim is made and supported that the sanction imposed was unjust.

If the appeal is granted by the Dean of Student Affairs, the following actions are available:

1. Uphold the decision, including the sanctions imposed.
2. Uphold the decision, but impose different sanctions.
3. Resubmit the case to the UNO Judicial Committee for a new judicial hearing or with specific instructions. This option may be used in cases involving a procedural error or when additional information has become available.
4. Reverse the decision.

The Dean of Student Affairs will, in writing, inform the parties involved of his/her decision within ten (10) working days of receiving the appeal. The decision of the Dean of Student Affairs is binding and final. Only if the accused can show that the Dean of Student Affairs committed a clear and obvious error in discretionary authority in reaching the decision, may a written request be submitted to the Chancellor, through the Associate Dean, within three (3) working days of the Dean of Student Affairs' decision. The request to the Chancellor shall explain the alleged error in discretionary authority. The Chancellor, after consideration of all written information, will inform all parties involved of his decision within twenty (20) working days. This written response terminates the student judicial process at the university.

### **Judicial Hearings during Vacation or Emergency Situations**

The Associate Dean may conduct a resolution conference during vacation periods or in emergency situations that may arise during the school year, when it is believed that the student's behavior or activity is endangering the safety of others. Resolution of the alleged violation and sanctions, if appropriate, may be imposed after review and approval by the Dean of Student Affairs. If the student chooses to appeal, the case will be heard by the UNO Judicial Committee when classes resume. However, the sanction(s) may be imposed pending resolution of the appeal. (This differs from other types of appeals.)

### **Violation of Law and the University of New Orleans Judicial System**

If a complaint is brought against a student or student organization for an act that took place off campus that is a violation of other campus policies, rules or regulations or of federal, state, or local law, whether or not the conduct is a violation of the judicial code, judicial action may be taken and sanctions imposed. Sanctions may also be imposed for grave misconduct demonstrating flagrant disregard for the UNO community.

Judicial proceedings may be filed against a student if the violation(s) of a law is also a violation of the code, without having to wait for civil or criminal adjudication. Proceedings under the code may be carried out prior to, simultaneously with or following civil or criminal proceedings off campus. The university will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by the criminal courts for student violators.

### **Procedure for Immediate Withdrawal or Temporary Suspension**

When a student is unable to effectively pursue academic work because his/ her behavior is disruptive to the normal educational process of the university, he or she may voluntarily withdraw immediately or be temporarily suspended as set forth below. Circumstances leading to such action may include the following: drug/alcohol abuse, illegal activities, behavior or circumstances indicating severe mental, emotional or medical conditions when such condition poses a significant threat of danger to the student or others or harm to the student or to other members of the university community; undue interference with the rights of other students, staff, faculty or with any university exercise, activity or function. A student may be temporarily and immediately suspended prior to a hearing when the Associate Dean for Judicial and Student Assistance has reasonable cause to believe that danger or harm will result to the student or others if the student is allowed to remain on campus pending a decision by the review board following a hearing.

If the student does not withdraw voluntarily, a review board may be convened at the request of the Associate Dean for Judicial and Student Assistance and shall consist of the Associate Dean and at least two other representatives from offices such as: Student Health Services, Counseling Services, Office of Disability Services, and faculty when necessary. The student may present any information to the board that he or she deems relevant. The board, after reviewing all pertinent information, will render a decision about the student's ability to continue at the university and will notify the student in writing of its decision. The student may appeal the decision to the Dean of Student Affairs within ten (10) working days of receipt. The decision of the review board becomes final and effective if a timely appeal is not filed.

At the time the student is ready to resume his/her education, he or she must request in writing that his or her case be examined by the review board. Supporting documentation and an interview will be required before the student can be readmitted. The university may also request a current evaluation. It is the student's choice to use either an outside professional at the student's expense or be evaluated by the university's professional staff free of charge.

### **Judicial Code Changes and Amendment**

This code will be reviewed every two years. Recommended revisions are welcome from the UNO community. Amendments are to be supported by the Student Affairs Office, reviewed by legal counsel, and approved by the Chancellor. Changes to this code supersede all previous university policies, rules and regulations.