



D I L L A R D
U N I V E R S I T Y

CODE OF STUDENT CONDUCT

2022-2023

D I V I S I O N O F S T U D E N T S U C C E S S

504-816-4734 | ACCOUNTABILITY@DILLARD.EDU

PAGE LEFT BLANK

CODE OF STUDENT CONDUCT

SECTION 1: PREAMBLE

The continuing mission of Dillard University is to conduct and maintain an atmosphere conducive to learning and growth through programs of academic excellence within the framework of the liberal arts tradition. To this end, the University promotes and upholds a level of behavior and citizenship that enhances the attainment of its mission. Dillard strives to safeguard the ideals of academic excellence through scholarship, and the moral atmosphere of the University community.

It is assumed and expected that when a student chooses to attend Dillard University, he/she does so fully prepared to accept the standards of conduct, community, and citizenship that are considered desirable by the University. Accordingly, failure to abide by the rules and regulations of Dillard University constitutes misconduct and will result in appropriate disciplinary or restorative action.

Dillard strives to promote a just and positive community that focuses on conflict resolution and restorative practices when possible. We believe that one's actions demonstrate one's commitment to respecting differences, and we must be responsible for our behavior and accountable for our actions. All must realize the impact of their actions on others and the University community. Everyone who chooses to participate in and or visit this community must abide by our policies and practices, which are designed to ensure a safe, educational, and comfortable existence.

The student conduct process at Dillard University is not intended to punish students. It exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies and values. Sanctions are intended to challenge a student's moral and ethical decision making and to help the student bring his/her behavior into accord with our community expectations. When a student is unable to conform his/her behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in the student conduct process are conducted with fairness to all, but do not include the same protections afforded by the courts. Fair process, as defined within these procedures, assures written notice and a hearing before an objective decision maker. No student will be found in violation of University policy without information showing that it is more likely than not that a policy violation occurred. Any sanctions rendered will be proportionate to the severity of the violation, cumulative conduct history of the student, and grounded in educational outcomes.

SECTION 2: STUDENT DISCIPLINE PHILOSOPHY

The submission of an application for admission to Dillard University is an optional and voluntary action. Approval of that application is, in turn, an extension of a privilege to join the academic and social community, and to remain a part of it as long as academic and behavioral standards are met. These expectations have been established so that the educational purpose of the university may be pursued in an atmosphere conducive to such an undertaking.

When a student, group of students, or a student organization infringes upon the rights of a member of the community, the students must accept responsibility for their actions. The function of this disciplinary process is to promote learning by examining how patterns of unacceptable behavior interfere with and, therefore, are detrimental to the educational process and University as whole.

Students are expected to exhibit good judgment and responsibility in their behavior both on university premises/property and off campus. The university reserves the right to address student behaviors that occur off campus, including those that are also being acted upon by legal authorities. Although the university does not automatically impose sanctions in addition to those imposed by law enforcement agencies, it may initiate disciplinary proceedings if a student's behavior conflicts with the University's educational objectives or responsibilities to members of the Dillard University community. Discipline issued to students by the University will follow the Code of Student Conduct.

SECTION 3: INSTITUTIONAL AUTHORITY

The disciplinary authority over behavior involving individuals, groups, and organizations rests with the Board of Trustees and is delegated by them to the President of the University. The President delegates authority in matters of non-academic student conduct to the Vice President for Student Success. The Vice President of Student Success delegates this authority to the Assistant Dean of Students to establish and hold student conduct proceedings that will ensure the proper administration of the University's rules and regulations. In general, any non-academic violation by a student or group of students or student organization at Dillard University will come under the jurisdiction of the conduct system.

The Vice President for Student Success, Assistant Dean of Students and/or hearing officers shall oversee the operation of the student conduct system and administration of the Code of Student Conduct.

The *Code of Student Conduct* applies to students while they are on-campus, when they attend programs and events *off-campus* that are Dillard related, or when their off-campus behavior is a violation of this *Code* or of criminal law or constitutes a hazard to the health, safety, or well-being of a student or members of the University community. The Vice President for Student Success, Assistant Dean of Students, or designee may determine that off-campus behavior affects a substantial Dillard University interest. In the event a student commits serious misconduct while enrolled at Dillard, but reported after the student has graduated, Dillard University may invoke these procedures and should the former student be found responsible, the University may revoke that student's degree. Students with questions or concerns about the Code of Student Conduct or judicial process should contact or visit the Office of the Assistant Dean of Students.

Violations of the Law

Students may be accountable to both legal authorities and the University for acts that constitute violations of law and of the *Code of Student Conduct*. At the discretion of the Vice President for Student Success or Assistant Dean of Students, proceedings under this *Code of Student Conduct* may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

Determinations made or sanctions imposed under the *Code of Student Conduct* will not be subject to challenge on the grounds that civil or criminal charges involving the same incident are pending or have been dismissed, reduced, or resolved in favor of or against the student.

Interim Restriction/Action

Under the *Code of Student Conduct*, the Vice President for Student Success or Assistant Dean of Students may impose restrictions and/or separate a student from the community pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct*. This action will take place when a student represents a threat of serious harm to others; is facing allegations of serious criminal activity; to preserve the integrity of an investigation; to preserve University property and/or to prevent disruption of; or interference with the normal operations of the University. Interim restrictions/actions can include separation from the institution or restrictions on participation in the community for no more than fourteenth (14) days pending the scheduling of a campus hearing on alleged violation(s) of the *Code of Student Conduct*.

During an interim suspension or restriction, a student may be denied access to University housing and/or University campus, facilities, and events. As determined by the Vice President for Student Success or Assistant Dean of Students, this restriction may include classes and/or all other University activities or privileges for which the student might otherwise be eligible. At the discretion of the Vice President for Student Success or Assistant Dean of Students, and in collaboration with the appropriate academic Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student's educational requirements.

SECTION 4: STUDENT RIGHTS AND RESPONSIBILITIES

It is each student's responsibility to adhere to the conduct and standards prescribed by the University through the *Code of Student Conduct* as well as those laws established by local, state, and federal authorities.

Student Rights

Although all students have the following enumerated rights, these rights shall not be construed to deny or disparage rights retained by other students in their capacity as members of the student body or as citizens of the community at large.

Students have the right to:

Free inquiry, expression, and assembly, except as expressly limited by Dillard University policies, including the *Code of Student Conduct*.

Be free from harassment or discrimination based on sex, race, color, national origin, religion, ancestry, sexual orientation, disability, age, veteran status, gender identity, marital or parental status.

Be secure in their persons and living quarters and to not be subjected to unreasonable searches and seizures.

Be exempt from disciplinary action that affects their status as students, except for academic failure or violation of a published *Code of Student Conduct* standard.

Not have disciplinary sanctions resulting from a violation of rules and regulations imposed upon them without notice of the nature, cause of the charges, and a fair hearing, which shall include factual evidence submitted by material and/or character witnesses.

Use an advisor (including an attorney) of their choosing, and at their expense, for the express purpose of providing advice and counsel.

Be provided a written response reporting the results of the pre-hearing conference and/or formal hearing proceedings.

Waive the right to a hearing when they choose to admit responsibility for misconduct and accept disciplinary sanctions from the University. The right to a hearing also extends to student organizations or campus organizations. Organizations may also waive its rights to a hearing.

An appeal, through established procedures, of sanctions administered by the University, except when admitting responsibility and a minimum sanction is rendered.

Privacy of personal information and the right to review their conduct and academic records in accordance with state and federal laws.

Student Responsibilities

By applying or enrolling at Dillard University, students recognize that they have responsibilities to themselves, their fellow students, their campus community and society at large.

All students accept these responsibilities that include, but are not limited, to: Contributing to a climate of academic integrity, rational, critical, and creative inquiry.

Respecting the freedom of individual thought and expression consistent with the rights of others and commitment to the well-being of society as a whole.

Obedying all duly established Dillard University policies; and local, state, and federal policies, regulations, and laws.

Refraining from actions that deny other members of the university community their rights as described herein.

Refraining from acts of violence, intimidation, or degradation toward any person.

Cooperating with University administrators, faculty, staff and contracted personnel in the performance of their authorized duties.

Giving and maintaining accurate and complete information for all official records required by the University.

Meeting all financial obligations to the University.

Carrying personal picture identification at all times while on University property or at University functions; and provide identification to University Officials when requested.

Attending all conduct proceedings when issued notice to do so.

Maintaining the highest ethical standards in academic and personal behavior.

Student Organization Rights and Responsibilities

Student organizations recognized by the university have a responsibility to conduct their activities and programs in a manner that is consistent with the goals, purposes, and values of Dillard University and abide by university policies and procedures.

The life of an organization is reflected in its membership, acting collectively and/or individually in fostering the goals, purposes, activities, and identity of the group. Members have responsibilities to their organization to conduct their personal behavior in a manner that does not negatively reflect on the organization, particularly in matters related to the functions and activities of the organization.

The organization is expected to educate their members to the appropriate and legitimate ways in which the individual member is to foster the group's existence at the university, and to take action when the individual fails to adhere to the university and organization's standards.

Consequently, an organization may be held responsible for a member's behavior when that it is demonstrably related to the organization's life and draws attention to the organization rather than to the member as an individual student.

Such behavior includes, but is not limited to, actions of organization's officers, discussions and announcements at organization meetings or via organization social media/email list serves, or when it has been alleged or determined the member was engaged in active promotion.

In such instances, alleged violations may be brought against the organization as a whole and the student organization President, or equivalent thereof, shall serve as the organization's representative in a hearing.

The *Code of Student Conduct* supersedes any and all regulations, other student organization manuals or handbooks, and/or decisions made by student groups and organizations and their affiliates.

SECTION 5: BREACHES OF CONDUCT

Dillard University strives to help students and student organizations develop a sense of moral, ethical, and community responsibility, as well as, to create an environment conducive to living and learning. By applying to and enrolling at Dillard University students agree to adhere to the *Code of Student Conduct* and acknowledges the right of the University to take disciplinary action, including suspension or expulsion for conduct determined unsatisfactory or disruptive. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions provided for in the *Code of Student Conduct*. In some instances, acceptance can be revoked prior to enrollment or class attendance due to conduct that violates the *Code of Conduct*. Any student, who fails to comply with all issued sanctions - within the prescribed and determined timeframe - will be in violation of the Code of Student Conduct and may be subject to greater sanctions. In keeping with this philosophy, the University regards the following as breaches of conduct:

1. **Abduction and/or Kidnapping**

Enticing, persuading, or forcibly seizing and/or carrying of any student, faculty, staff or University official from one place to another; or to prevent a person from leaving a location without that person's consent.

2. **Abuse of Conduct Process**

Abuse or interference with, or failure to comply in, University processes including conduct and academic integrity hearings including but not limited to:

- Falsifying, distorting, or misrepresenting information;
- Failing to provide, destroying or concealing, information during an investigation of an alleged policy violation;
- Attempting to discourage an individual's participation in or use of the campus conduct system;
- Harassing (verbal or physical) and/or intimidating a member of the University community body prior to, during, and/or following a University conduct proceeding, pursuant to the *Code of Student Conduct*;
- Failing to comply with the sanction(s) imposed pursuant to the *Code of Student Conduct*;
- Influencing or attempting to influence another person to violate the *Code of Student Conduct*.

3. **Academic Misconduct**

Plagiarism (including materials from the Internet), cheating on examinations, forgery, collusion, procuring copies of examinations or other materials that should not be in the student's possession, credential misrepresentation, and other acts of academic dishonesty.

4. **Aiding and/or Inciting**

Aiding, abetting, persuading, and/or procuring another person or persons to commit any act of misconduct or a breach of the peace.

5. **Alcoholic Beverages Violation**

The use, consumption, possession, purchase, sale and/or distribution of alcoholic beverages on University property, in cars or other vehicles, or at any University sponsored or affiliated activity is prohibited.

6. Alcoholic Beverages Intoxication

Appearing in public on University premises while intoxicated or under the influence of alcohol. Violating any other provision of the *Code of Student Conduct* while under the influence of alcohol. This includes any disorderly conduct regardless of whether such conduct results in injury to a person or property, as a result of intoxication is a violation.

7. Animals

The University prohibits the possession of pets on University property, including but not limited to, dogs, cats, fish, birds, rodents, insects, and reptiles. Only service animals that are by federal law for persons with disabilities and approved by Disability Services; Emotional Support Animals approved by the Assistant Dean of Students or designee; or those used for teaching and faculty approved research are permitted in University facilities.

8. Arson/Fire Setting

The malicious or intentional burning of property, personal or otherwise, on the University premises or property is strictly prohibited. Such acts include, but are not limited to, creating fires, setting a personal fire, open flames, and/or igniting flammable materials.

9. Assault

The intentional harassment, degradation, threat or intimidation of another in an attempt to commit a battery or the intentional placing of another in reasonable apprehension of receiving a battery.

10. Attempted Offenses

An attempt to commit an act, on University property, or involving members of the University community (students, faculty, staff, visitors) in an offense that would be violation of any law, code of conduct, rule, regulation of local, state, or federal code.

11. Battery

The intentional use of force or violence, which is directed upon another. Violence involving physical abuse of contact which includes, but is not limited to the intentional administration of a poison or other noxious substances, slapping, punching, pushing, fighting, and/or contact using a weapon of any sort for the purpose of physical abuse, or violence involving physical contact.

12. Damage to Property/Destruction of Property

Damage, vandalism or destruction to property owned or leased by the University or personal property belonging to an individual, including other students, faculty, staff, and visitors.

13. Disorderly Conduct

Any offensive or bothersome act that disrupts the peace. This includes, but is not limited to, conduct that is offensive or annoying to others or is disruptive to the rights of others, which includes excessive noise, noise after quiet hours, talking excessively loud, shouting or loud music.

14. Disruptive Behavior

Substantial disruption of University operations including obstruction of teaching, research, administration, other University activities, and/or other authorized non-University activities that occur on campus; and leading or inciting others to disrupt scheduled and routine activities of the University.

15. Distribution of Printed or Social Media Material

Distribution of printed materials or posting of materials or videos through social media or the internet that are libelous, derogatory, abusive, sexually explicit, pornographic, or that encourages violations of public laws or University regulations. While the University respects a student's right to free inquiry, expression, and assembly, it reminds students of their responsibility to contribute to a climate of integrity consistent with the rights of others and to refrain from acts of degradation, humiliation or harassment toward any person. This applies to students, nonstudents, relatives, faculty and staff, or current or former spouse, partners, or significant others.

16. Domestic and Dating Violence

Domestic Violence is defined as abusive behavior, including threats, verbal and/or emotional abuse, and physical assault, between persons in an intimate and/or sexual relationship. It includes behavior(s) used by one person in a relationship to control another. Examples of domestic violence include but are not limited to name-calling, intimidation, threats, and physical harm. Preventing a partner from making contact with family, friends, or peer group also falls within this definition. This includes behavior toward another person even when the intimate or sexual relationship has ended.

17. Drugs/Drug Paraphernalia Violation

The consumption, possession, manufacturing, selling, purchasing, or passing of, any counterfeit, illegal, dangerous, or controlled drug, illegally obtained prescription medication, or other substance. This also includes the abuse of solvents, aerosols, or propellants; possession of drug paraphernalia (i.e., pipes, bongs, blunts, clips, scales, rolling papers, syringes, etc.); and diluted, late, missed, forged, or failed drug screens. The possession, distribution or use of medical marijuana that is legal in other states but is illegal in Louisiana is also prohibited. The receipt or distribution of illegal drugs prescription drugs or drug paraphernalia via the mail or other delivery service are also prohibited.

18. Drug Intoxication

Appearing in public on University premises while intoxicated or under the influence of illegal drugs or the abuse of illegally obtained prescription drugs. Violating any other provision of the *Code of Student Conduct* while under the influence of an illegal or illegally obtained drug. This includes any disorderly conduct regardless of whether such conduct results in injury to a person or property, as a result of intoxication is a violation.

19. Endangerment

Reckless or intentional acts that endanger or put at risk the welfare of oneself or others are prohibited. Threats in any form or behavior that could endanger oneself or others are prohibited. Compromising the security measures of the campus will constitute a violation of the *Code of Student Conduct*.

20. False Complaints/Reporting

Willfully and intentionally giving false statements to University officials and submitting false complaints or accusations.

21. Falsification of Information

Deceptive acts, misrepresentation and/or dishonest acts include, but are not limited to, lying, misuse of University documents, records, or student identification cards or meal cards, or documents and records belonging to another.

22. Failure to Comply

Failure to comply with the reasonable directions of University officials acting in the performance of their duties. This includes failure to promptly identify oneself to University officials when requested and failure to comply with disciplinary sanctions by the prescribed and determined timeframe. Students are required to carry a valid University student identification card while on the University premises or property.

23. Fire Safety

Violation of local, state, federal or campus fire policies including, but not limited to:

- Intentionally or recklessly causing a fire that damages University or personal property or that causes injury.
- Failure to evacuate a University controlled building during a fire alarm;
- Improper use of University fire safety equipment;
- Tampering with or improperly engaging a fire alarm or fire detection/control equipment.
- Removing and/or tampering with a fire extinguisher from its approved location;
- Activating an alarm lacking an emergency situation;
- Removing and/or tampering with the covers on fire alarm pull stations;
- Removing and/or tampering with common area and room sprinkler systems;
- Discharging a fire extinguisher for any purpose other than putting out a fire.

Such action may result in a local fine in addition to University sanctions.

24. Forgery

Forgery of names, signatures and/or documents (personal, public, and/or private) is prohibited.

25. Firearms/Weapons

Possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives with a blade longer than four (4) inches, including the storage of any item that falls within the category of a weapon in a vehicle parked on University property are prohibited. Knowledge of people possessing firearms or weapons must be reported to the Dillard University Police Department (DUPD) immediately.

26. Gambling

Gambling is prohibited on campus. Gambling may include lotteries, sports pools, video games, card games, dice, and online betting activities.

27. Guest Behavior

Students are responsible for the behavior of their guests whom they invite to the campus or permit to visit the campus. Where a guest is found to be in violation of the *Code of Student Conduct* applicable charges will be brought against the student host and/or the host student organization.

28. Harassment

Communication directed at an individual(s), whether physical, verbal, written, or electronic, that is likely to cause annoyance or alarm; engaging in any other course of conduct or repeatedly committed acts with the purpose to alarm or seriously annoy any other person. The scope of any form of harassment includes language and/or physical acts which degrades, insult, taunt, or challenges another person by any means of communication, so

as to provoke a violent response; communication of threat; defamation of character; use of profanity; verbal assaults; derogatory comments or remarks (gender, racial, ethnicity, sexual orientation, physical characteristics, religion etc.) or any behavior that places another member of the University community in a state of fear or anxiety.

29. Harboring

Harboring is knowingly allowing any fugitive from justice, or any student, employee, or any other individual who has been barred from the University to stay in or to be transported onto University owned or operated property or facilities. This would also include harboring any individual who is considered to be a fugitive from justice or for whom there is an outstanding warrant.

30. Harm to Persons

Intentionally or recklessly causing physical harm or endangering the health or safety of any person.

31. Hazing

Any act, whether physical, mental, emotional or psychological, that subjects another person, voluntarily or involuntarily, to anything that may abuse, mistreat, degrade, humiliate, harass, or intimidate an individual; or which may in any fashion compromise an individual's inherent dignity as a person for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, an organization, group or entity, whether occurring on or off campus.

In addition, any requirements by a group, member or prospective member that compels another group, member or prospective member to participate in any activity that is against University policy or state or federal law for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in an organization whether occurring on or off-campus.

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

- (1) The person knew or should have known that such an act endangers the physical health or safety of the other person or causes severe emotional distress.
- (2) The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in an organization.
- (3) Consent is not a defense.
- (4) Hazing includes, but is not limited to any of the following acts associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in an organization:
 - (a) Physical brutality, such as whipping, beating, paddling, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity.
 - (b) Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.
 - (c) Activity involving consumption of food, liquid, or any other substance, including but not limited to an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.

distress.

(d) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

32. Health and Safety Violations

Behavior that creates a risk or danger to others, including, but not limited to, propping open doors to residence halls, use of windows to enter/exit university facilities, throwing objects from windows or balconies, or failure to maintain reasonable standards of sanitation, cleanliness, and safety.

33. Health & Wellness Responsibility

Dillard University students have a duty to care for themselves and protect the community. It is a violation for any student experiencing symptoms of viral infection that may be transmitted to others or having a diagnosis of such infection and does not exercise their responsibility to seek appropriate treatment and/or physical distancing.

Dillard University will impose zero-tolerance disciplinary actions including, but not limited to, housing contract termination, 24-hour vacate notice, fine, university suspension, and/or automatic parental notification (as applicable). Residents sanctioned under this violation will be ineligible to apply for housing for one complete academic semester not including summer terms.

34. Indecent, Obscene behavior and/or Profanity

Conduct that is lewd, indecent and/or profane portrayed on the premises of the University or at University sponsored or supervised activities. Such conduct include, but is not limited to, obscene gestures, improper exposure of body parts, stripping, streaking, wearing clothing with offensive language, graphics, or pictures.

35. Misuse of Communications Technology & Social Media

No student shall misuse or abuse, or assist in the misuse or abuse of communication technology at the University. Such activity includes, but is not limited to, using any form of communication technology to harass or threaten any person or persons; or using any form of communication equipment to disrupt the normal operations or activities of any person, organization, or the University such acts as misappropriation of data or of copyrighted material or software. Communication equipment includes, but is not limited to, phones, electronic mail, voice mail, computers, printers, tablets, etc. This also includes the use of personal devices utilizing university technological infrastructure.

This also includes the inappropriate and irresponsible conduct using any Dillard University affiliated webpage, email, or social media resource. Engaging in inappropriate or irresponsible conduct using any Dillard University affiliated webpage, email, or social media resource is strictly prohibited. The use of social media sites (Facebook, Instagram, Vine, Twitter, LinkedIn, YouTube, Flickr, Snap Chat, etc.) to harass, cause bodily and/or mental harm or used to violate the law is also prohibited. Students who are alleged to be in violation of misuse of electronic or social media sites will be subject to criminal or civil penalties, as well as university disciplinary actions. Some examples include but are not limited to the following:

- Derogatory language or demeaning statements about or threats to any third party;
- Inappropriate or incriminating images depicting hazing, sexual harassment or sexual misconduct, vandalism, fighting, stalking, underage drinking, illegal drug use, pornography, other inappropriate behavior, or inappropriate language;
- Content that violates state or federal law;

- Partisan political activity other than campaigning for Dillard University student elections;
- Online gambling;
- Information or images that could be considered obscene or disparaging, or untrue;
- Selling goods or services for personal financial profit;
- Personal social relationships unrelated to Dillard University business.

36. Motor Vehicles, Traffic Violations, Parking Violations

Violation of rules and regulations governing the use of motor vehicles on University owned or controlled property, or at University sponsored or supervised activities. This also includes driving and parking on grass and sidewalks. Failure to obey traffic and parking regulations is punishable by DUPD and/or the Assistant Dean of Students. This includes, but is not limited to, operating or attempting to operate a motor vehicle on campus while under the influence of alcohol or illicit drugs, reckless driving, and parking in improper zones; failure to register a vehicle as required by DUPD; unauthorized use of a decal or permit; operation on the campus of a vehicle in violation of an imposed ban; flagrant or repeated violation(s) of the Dillard University Police Department Rules and Regulations. Moreover, applicable local, state, and federal traffic laws are enforced. Dangerous behavior is also applicable.

37. Retaliation

Actions by a student or employee intended as retaliation, reprisal or intimidation against an individual for making a complaint or participating in any way in a report or investigation under this policy are prohibited and are subject to appropriate disciplinary action.

38. Representation without Consent

Representing the University or any recognized student organization or chartered group without the specific prior consent of the officials of the University or respective organization or group. Representation without consent also includes joining organizations or groups that are suspended or banned from the University, or attempting to join an organization through improper and unauthorized membership procedures.

39. Smoking/Tobacco Use

Smoking and the use of tobacco products of any kind is prohibited at Dillard University and all University sponsored/affiliated events.

40. Solicitation

Unauthorized selling, collection of monies, and promotion on campus or within University buildings, or on University property or premises without proper approval. Students may not act as agents for promotion companies or business firms which entail solicitation for parties or other unauthorized events or the receiving of business offers or goods on University property. Also, students may not solicit on behalf of the University without permission from the Vice President for Student Success. Use of any residence hall room, building, grounds, or parking lot for business purposes of any kind, (i.e., the selling of food, tickets, clothing, jewelry, hair, cosmetics, merchandise, favors, etc.) whatsoever is prohibited.

41. Theft/Misappropriation

Theft or attempted theft of the property or services of the University, any organization, or any individual by means of taking, selling, deceiving, misappropriating, or misusing, as well as receiving and or possessing such stolen property is a violation of the Code. Theft is defined as the wrongful taking of, or the attempt to take, money or property without the consent of the owner. Examples may include but is not limited to the theft of credit or debit

cards, social security cards, driver's license, university I.D., keys, etc. Theft may also include stealing from another person, agency, institution, or the University; the taking of property belonging to another, with the intent of converting the property on one's personal use; the unauthorized use of another's credit or debit card; and failure to return another's personal property upon request or within a reasonable period of time. This also includes unauthorized moving or relocation of University furniture to one's own room or to some other area, illegal and/or unauthorized possession or sale of any property without the proper authorization, and property, which has been reported lost or stolen.

42. Threatening Behaviors/Terrorism

Threatening to commit any crime of violence or to release any hazardous substance. This also includes, but is not limited to, verbal threats to injure or harm another, horse playing, practical jokes, abductions, kidnapping, and gang related activity.

43. Trespassing

Unauthorized presence on or within any building or property owned or operated by the University (including residence halls), or the unauthorized entry into or remaining in a facility, or in a private room or office under the control of another, after having been asked to leave.

44. Unauthorized Use / Entry of University Facilities

Unauthorized use of equipment, occupancy of, or unauthorized entry into or exiting from University facilities. Unauthorized entry/exiting includes the entering and/or occupying and improper exiting of University facilities, by its entry or exiting into and from residence halls, without proper permission into living quarters or other building and/or structure or University premises, or the aiding and assisting of such is prohibited. This includes occupying a University facility after or passed building operating hours without proper authorization.

45. Use of University Name

Use of the name or logo of the University is prohibited unless specifically authorized in writing by the President of the University or delegated representative. Students are prohibited from falsely presenting themselves as entities of the university beyond the normal scope of activities associated with their student status.

46. Verbal Abuse

Verbal Abuse can be defined as any derogatory language used to degrade or impose harm on others.

47. Violation of Civil or Criminal Law

Evidence of violation of local, state or federal laws, when substantiated through the student conduct process, or police or court documents.

48. Violation of Sanction

A violation of sanction is defined as failure to comply with disciplinary actions as sanctions imposed by a judicial body or judicial administrative officer or staff person. Failure to comply with the terms and actions of a sanction may result in an escalated level of sanctions.

49. Visitation/Cohabitation

Students must abide by articulated visitation policies as established by the Office of Residential Life. All visitors are required to be out of the residence halls and off campus by the designated closing time, except for approved events. In emergency situations, the

University may impose a residence hall and/or campus curfew to safeguard persons and property. In addition, any person living in or occupying space to which the person is not assigned or for all practical purposes dwelling within a room or facility without being a contracted resident assigned to the space in question is a violation. The number of days in a particular room/apartment or residence will not be the sole issue, but also the person's presence on a regular or continued basis without a formal contract or assignment. Evidence of cohabitation may include, but not be limited to, presence of belongings not natural to a non-overnight/temporary visit, canvass of residential neighbors, etc. Any resident who is identified as allowing cohabitation within their assigned space will face disciplinary action.

50. Voyeurism

Viewing, photographing, audio recording, video recording, producing, or creating a digital electronic file or filming another person without that person's knowledge and consent, while the person is in a place where he or she would have a reasonable expectation of privacy is prohibited.

SECTION 6. TITLE IX VIOLATIONS

Title IX is a portion of the United States Education Act Amendments of 1972 which state: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

The complete Dillard University Title IX policy can be found at: www.dillard.edu. Detailed information regarding violations, reporting, investigations, and procedures can be found in this document. To the extent that the Code of Student Conduct conflicts with Dillard University’s Title IX policy, the Title IX policy shall prevail. The following Code of Student Conduct Violations (printed in italics) are also Title IX violations:

Prohibited Conduct- Relationship Violence

“Relationship Violence” is defined as abusive behavior, including threats, verbal and/or emotional abuse, and/or physical assault, between persons in an intimate (*i.e.*, a current or former spouse, current or former cohabitant, or anyone else protected under domestic or family violence law) and/or dating relationship (*i.e.*, a romantic or intimate relationship). Examples of relationship violence include, but are not limited to, intimidation, threats, and/or physical harm. Preventing a partner from making contact with the partner’s family, friends, or peer group also falls within this definition. This includes behavior toward another person when the intimate/dating or sexual relationship has ended.

Prohibited Conduct-Stalking

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

Prohibited Conduct-Sexual Misconduct- Sexual misconduct includes:

A. Nonconsensual Sexual Intercourse and Sexual Conduct

Any sexual behavior including sexual intercourse or attempted intercourse without consent. This definition includes rape, attempted rape, molestation, and other cases where the victim is unable to refuse or effectively consent to sexual advances. The definition applies regardless of whether the alleged assailant is a stranger or an acquaintance. Examples include, but are not limited to, forced insertion, oral copulation, rape by foreign object, sodomy and unwanted touching of an intimate part of another person for the purpose of sexual gratification. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger or inanimate object.

For purposes of this policy, consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. *Silence alone, without actions evidencing permission, does not demonstrate consent.*

While consent may be expressed by words or actions, it is highly recommended that consent be expressed and obtained verbally. Non-verbal consent expressed through actions may lead to confusion and potential for misunderstandings, which may lead to a violation of this policy.

It is the responsibility of the initiator of any sexual activity to obtain their partner's consent. Consent must be knowing and voluntary. To give consent, a person must be at least 17 years old. Assent does not constitute consent if obtained through "coercion" or from an individual whom the respondent knows or reasonably should know is "incapacitated". Coercion for purposes of this policy is the use of express or implied threats, intimidation, or physical force which places an individual in reasonable fear of immediate harm or physical injury.

An individual is considered to be incapacitated for purposes of this policy if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Someone who is drunk or intoxicated is not necessarily incapacitated. Individuals who are asleep, unresponsive or unconscious are incapacitated. Among the factors the University will use to assess whether someone is incapacitated for purposes of this policy are: inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. The existence of any one of these factors will support a finding of incapacitation for purposes of this policy.

An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain consent if that individual is the one who initiates sexual activity. *Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of consent has been expressed, the sexual activity must cease immediately. Consent is automatically withdrawn by a person who is no longer capable of giving consent.*

A current or previous consensual dating or sexual relationship between the Parties does not itself imply Consent or preclude a finding of responsibility for misconduct.

B. Sexual Exploitation

Taking nonconsensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to:

- Intentionally exposing a private or intimate part of one's body in a lewd manner.
- Committing any other lewd act in a public place;
- Prostituting another student;
- Non-consensual video or audio recording of sexual activity;
- Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to witness one's consensual sexual activity;

- Texting or taking pictures of sexual activity without the consent of either or both parties engaged in the sexual activity and/or transmitting/sending the pictures or likeness via any electronic medium or social media;
- Texting, taking or transmitting/sending via social media, email or other electronic media of nude or sexually explicit pictures of another without their consent. (Note: in some instances, this could be the possession of pornography, which may be a criminal act.)
- Engaging in non-consensual voyeurism; and/or
- Knowingly transmitting a sexually transmitted disease/infection or HIV to another student.

C. Sexual Harassment

- Unwelcome sexual advances or requests for sexual favors and/or other verbal or physical conduct or communication of a sexual nature when:
- Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or services, or academic status; or
- Submission to, or rejection of, such conduct by an individual used as a basis for employment, or services, or academic decisions affecting him or her; or
- Such conduct, whether verbal or physical, has the purpose or effect of interfering with the individual's work or academic performance or of creating an intimidating, hostile or offensive employment, service or educational environment.

D. Sexual Verbal Abuse

Language that is sexual in nature and unwanted on the part of another person. Examples include, but are not limited to, obscene telephone calls and use of written and/or oral communication that would be considered obscene.

SECTION 7: STUDENT CONDUCT POLICIES AND PROCEDURES

A. Incident Reports

Any member of the university community who has evidence of an alleged violation of the *Code of Student Conduct* may file a written report with the Office of the Assistant Dean of Students, Office of Residential Life, or DUPD. Any person who feels their rights, privileges, the *Code of Student Conduct* or the rules of the university have been violated may file a written report. An incident report should be filed within 180 days of the alleged incident with the exception of allegations involving Title VII or Title IX incidents.

B. Preliminary Review

The Assistant Dean of Students or designee, upon receiving an incident report, determines the appropriate next steps under the *Code of Student Conduct*. The Assistant Dean of Students or designee conducts a preliminary review into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary review of the complaint is done to determine whether the allegation(s) describe conduct which may be in violation of the Code of Student Conduct.

If the reported conduct would not be a violation, the report will be dismissed, and appropriate follow-up will be provided.

If the reported conduct would be a violation, a further review will be conducted to determine what charges (if any) should be brought forth against the student.

When a more comprehensive investigation is needed, the Assistant Dean of Students may appoint an investigator who shall:

Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint.

If the incident report contains allegations against members of a student group or organization, determine whether the incident is related to student organization members acting as individuals and/or student organization members acting on behalf of the organization.

Preliminary investigation usually takes between 1-7 business days to complete.

At the conclusion of the preliminary investigation, the investigator shall submit a written report to the Assistant Dean of Students which outlines the actions taken and findings reached. This written report will be introduced at any subsequent hearing and the investigator may be called as a witness regarding the investigation findings but will otherwise have no part in the hearing process.

While an academic semester is in session, the preliminary review is typically completed within 10 – 15 business days of receipt of the incident report. Depending on the nature of the incident, the investigation may take longer.

C. Notice

The respondent will receive notice of the alleged misconduct that will include: (1) the possible charges, (2) notice of a right to an advisor, and (3) information regarding the student conduct investigation and disciplinary process. This notice will be delivered via Dillard University email. Additionally, the respondent will be given the opportunity to meet with the Assistant Dean of Students or designee, via a pre-hearing conference to discuss all procedures. The date, time, and location of the pre-hearing conference will be determined by the Assistant Dean of Students or designee. The notification of this conference will be provided to the respondent (2-5) business days prior to the scheduled date. The student will be given (1-3) business days to respond in writing to the allegations and submit to the Assistant Dean of Students to be reviewed before the pre-hearing conference.

D. Pre-Hearing Conference

The Assistant Dean of Students or designee will conduct an initial pre-hearing conference with the responding student or student organization to explain the conduct process and gather information. When the pre-hearing conference is held, the possible outcomes include:

A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter should be closed, and records should so indicate.

A decision on the allegation based upon the responding student accepting responsibility. If the responding student accepts responsibility at the pre-hearing conference, the University considers this an uncontested allegation. The Assistant Dean of Students or designee conducting the pre-hearing conference will then determine the sanction(s) for the misconduct, which the responding student may accept or reject. If accepted, the process ends. If student accepts responsibility at the pre-hearing conference, but rejects the sanction, the University will conduct a sanction only hearing.

The respondent does not accept responsibility and requests an administrative hearing. The respondent does not accept responsibility and requests a formal hearing.

Note: Contested charges that may result in suspension or expulsion if a student is found responsible, cannot be adjudicated via an administrative hearing. The formal hearing process must be followed.

Sanctioning for uncontested charges that may result in suspension or expulsion must be rendered via a sanctioning hearing panel.

All hearings (Sanctioning, Administrative, and Formal) will be scheduled (3-7) business days after the pre-hearing conference. The respondent will be given notice of the scheduled hearing, at least two (2) business days prior.

E. Sanctioning Only Hearing

A sanctioning hearing is conducted when the student accepts responsibility for the charges, but contests the original sanction(s) rendered. The sanctioning hearing will be conducted by a 3-

person panel consisting of (a) one conduct officer, (b) one University staff member, and (c) one student hearing officer. During this hearing the student cannot recant acceptance of responsibility, nor use this activity as an opportunity for the panel to hear the case. The outcome of the hearing will be final and official. The members of the sanctioning hearing board will be selected from a pool of trained faculty, staff, and students. The possible outcomes of the sanctioning panel include:

- Upholding the original sanction(s) rendered during the pre-hearing conference.
- Revise the sanction(s) rendered during the pre-hearing conference. The sanctions rendered by this hearing panel will be the final action taken. There will be no opportunity to appeal.

F. Administrative Hearing

An Administrative Hearing is conducted by a single hearing officer appointed by the Vice President for Student Success or Assistant Dean of Students. The possible outcomes of the Administrative Hearing include:

- The Administrative Hearing Officer will determine whether it is more likely than not that the responding student has violated the *Code of Student Conduct* and recommend appropriate sanctions consistent with *Code of Student Conduct* and university policy and the violation under consideration.
- The Administrative Hearing Officer may also determine, based on evidence and witness testimony provided, that the student is not responsible for the Code of Conduct Violations.

G. Formal Hearing

A Formal Hearing is facilitated by a University Conduct Hearing Board and is chaired by the Assistant Dean of Students or designee. A Conduct Hearing Board is comprised of 3-5 individuals with at least one faculty member, one staff member, and possibly one student hearing officer and the non-voting chair. After the hearing and deliberations, the Conduct Hearing Board will determine, by majority vote, the outcome. The members of the Conduct Hearing Board will be selected from a pool of trained faculty, staff, and students. The possible outcomes of the Formal Hearing include:

- More likely than not that the responding student has violated the Code of Student Conduct.
- There is inconclusive evidence that the responding student has violated the Code of Student Conduct.

A University Conduct Hearing Board will recommend appropriate sanctions consistent with *Code of Student Conduct* and university policy, the violation under consideration, and the student's conduct history to the Assistant Dean of Students.

H. Procedures for Hearings

Hearings will be closed to the public.

Admission to the hearing of persons other than the parties involved will be at the discretion of the hearing board chair or administrative hearing officer.

The parties have the right to an advisor of their own choosing from within or outside the Dillard community.

In the instance where civil or criminal court proceedings currently involve a responding student or at the discretion of the Assistant Dean of Students, legal counsel may be permitted to serve as an advisor.

The advisor may not make a presentation or represent the respondent or the complainant during the hearing. The advisor is encouraged confer with their respective party prior to the hearing, because communication during the actual hearing will be limited or prohibited.

The complainant, respondent, and the hearing board or administrative hearing officer, will have the opportunity to question all present witnesses and all present parties (directly or through the chair/hearing officer, at the discretion of the chair/hearing officer). Unduly repetitive witnesses can be limited at the discretion of the chair or administrative hearing officer. The chair or administrative hearing officer may limit the number of character witnesses presented or may accept written affidavits of character instead.

Pertinent records, exhibits, and written statements may be accepted as information for consideration.

Formal rules of evidence are not observed. The standard of proof will be a preponderance of the evidence, which means that the violation was more likely than not to have occurred.

All procedural questions are subject to the final decision of the chair or administrative hearing officer.

Unless there is a potential violation of local, state, or federal law, student academic schedules will be considered before scheduling hearings.

After the presentation of all information by the parties, the hearing board will deliberate and determine in a closed session, by majority vote, whether it is more likely than not that the responding student has violated the *Code of Student Conduct*. The Assistant Dean of Students (or designee) will be present and available as a resource during all deliberations.

Once a finding is determined, if the finding is that of a policy violation, the board will determine an appropriate sanction(s) to be recommended to the Assistant Dean of Students. The Assistant Dean of Students or designee is responsible for informing the hearing board of applicable precedent and any previous conduct violations or other relevant pattern information about the responding student.

The Judicial Hearing Board Chair or the Administrative Hearing Officer will prepare a written deliberation report and deliver it to the Assistant Dean of Students, detailing the finding, how each member voted (*in hearing board cases*), the information cited in support of its finding, and any information excluded from consideration and why. This report should conclude with recommended sanctions to be imposed upon the student, if responsible. This report must be submitted to the Assistant Dean of Students or designee within three (3) business days of the end of deliberations. The Assistant Dean of Students will consider the report and render a final decision. In cases involving Title IX violations, the Assistant Dean of Students may consult with the Title IX Coordinator before rendering the final decision.

The Assistant Dean of Students will notify the responding student and the complainant (if applicable by law or University policy) of the final determination within ten (10) business days of the hearing. In all student and student organization cases, the appropriate University officials will be notified of the outcome of the hearing.

An audio recording will be made for all formal hearings. Deliberations will not be recorded. The record will be the property of the University, in addition to any written findings of fact, transcripts, and/or video recordings. These records will be maintained according to the University's record retention policy. Students and/or advisors may not make any recording of the proceedings. No other recording devices, including cell phones, will be allowed in any hearing.

I. Code of Ethics

All hearing board members must be fair and impartial. Board members should approach each case free of bias and discrimination. Each board member must cultivate a sensibility that will result in an unbiased outcome of the proceedings. In order to facilitate this standard, the following guidelines have been established:

Hearing board members are committed to ensuring that the intent and meaning of the *Code of Student Conduct* will be carried out on all occasions. The name, status, alleged violation(s) of any student, or any details or notes related to the case must not be discussed with anyone other than appropriate institutional personnel. Except as required by law, the content of any conduct body deliberations or the vote on any case must not be disclosed. A general listing of offenses may be made public, so long as the privacy rights of individual students are protected.

Prior to beginning each hearing, board members will be required to confirm their impartiality and oath of confidentiality in writing after a brief introduction of the case by the Assistant Dean of Students or designee. If a member is biased according to the definition in the *Code of Student Conduct*, he/she must disqualify himself/herself before the commencement of the hearing. The board member's right to this privilege is absolute and may not be questioned. Violation of this policy may result in disciplinary action against the board member.

J. Cooperation of All Parties

Both the individual bringing the charge and the charged student will be expected to cooperate fully. Similarly, all parties with knowledge pertaining to a case will be expected to cooperate fully in the conduct case and if requested, appear at the conduct hearing. Depending on the nature of the case, the number of students involved in the case, and at the discretion of the Assistant Dean of Students, the responding students may participate collectively in one hearing rather than separate, individual hearings. Honesty is expected from all who participate in a conduct case. Dishonesty in a hearing may be grounds for a separate violation charge. If a student fails to attend a scheduled hearing, the hearing may proceed in the absence of the student. Such an absence will not be considered grounds for an appeal, unless the student provides a reasonable and compelling excuse.

K. Correspondence

Conduct correspondence shall occur via Dillard e-mail (dillard.edu). Students will be held accountable for retrieving mail in a timely manner. Failure to do so is not an acceptable excuse for delaying any aspect of the conduct process.

SECTION 8: CONDUCT SANCTIONS

Departures from acceptable conduct may lead to one or more of the following sanctions. There is no standard penalty that applies to violations of the *Code of Student Conduct*.

In determining the severity of sanctions or corrective actions hearing panels or hearing officers will consider the following:

1. The frequency, severity, and/or nature of the offense.
2. History of past conduct.
3. Offender's willingness to accept responsibility.
4. Previous institutional response to similar conduct.
5. The institution's interests.
6. Educational value.

All conduct actions are communicated to the student in writing. A copy of all correspondence is placed in the student's conduct file. In the event that a student is found responsible a copy of written notification is sent to appropriate university personnel. If a student is found responsible for violating the *Code of Student Conduct* pertaining to violence or sexual misconduct, the following information will be released upon request and in concert with local, state, or federal stature; name of student, offense and sanction imposed.

The following sanctions, or other sanctions appropriate to the circumstances of a given case, may be imposed, singularly or in combination, for violations of the *Code of Student Conduct*.

Admonishment/Disciplinary Warning

A warning to the student to deter from any disciplinary matters without additional sanctions.

Community Restitution/University Service

Services provided by the student without pay for a specific amount of hours.

Counseling

In some instances, this requirement may be imposed when a student is found guilty of engaging in disruptive or uncivil behaviors. In such case, the student may be required to provide evidence to the Assistant Dean of Students of attendance and completion of counseling by professional counseling services.

Drug Testing

Any student found in violation of the drug policy, may be required some form of drug screening. This could be scheduled or random drug tests. Drug testing takes place at off campus venues only and includes a cost that must be assumed by the student. If a student fails a drug screen or does not submit when scheduled, the missed/failed drug screen is viewed as a new incident and another conduct case is opened for that charged student.

Educational Program Participation

Students may be required to present or assist in developing, coordinating, and evaluating special workshops or programs related to the nature of the offense which the student has committed. Students may also be required to participate in special workshops or programs to enhance their own knowledge and understanding of a particular topic related to the offense committed. Students may be required to participate in sensitivity training and/or alcohol and other drug awareness

education programs. Additional academic requirements relating to scholarly work or research could also be assigned (e.g., research paper over infraction type).

Expulsion

Permanent release from the University without the privilege of readmission. Any student expelled from the University may not attend University sponsored functions on or off-campus, participate in student organizations, represent the University in any capacity, or visit any campus facility without the written consent of the Vice President of Student Success.

Failing Grade

Assignment of a failing grade to a student for a course in which he/she was found guilty of academic dishonesty. Lesser penalties may be imposed by the appropriate academic official.

Fine

A mandatory payment of money by the student made payable to the University for violations of the Code of Student Conduct ranging from \$50-\$500. Students found to have violated alcohol and drug regulations will be fined a \$100 assessment fee for drugs and/or alcohol prevention programs.

Housing Probation

Official notice that should further violations of Residence Life or University policies occur during a specified probationary period, the student will immediately be removed from University housing. Regular probationary meetings may also be imposed.

Housing Reassignment

Reassignment to another University housing facility. Residential Life personnel will decide on the reassignment details.

Housing Suspension

Removal from University housing for a specified period of time after which the student is eligible to return. Conditions for readmission to University housing may be specified. Under this sanction, a student is required to vacate University housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Assistant Dean of Students. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for University housing, the student must gain permission from the Assistant Dean of Students (or designee). This sanction may include restrictions on visitation to specified buildings or all University housing during the suspension.

Housing Expulsion

The student's privilege to live in or visit any University owned or affiliated housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.

Loss of Privileges

The loss of privileges may range from:

- **Judicial Record Hold:** If a student is accused of a violation of the *Code of Student Conduct* or if a student fails to complete the conditions of a judicial sanction, a judicial record may be placed on a student's MyDU account. With this hold in place, it will prevent the student from conducting University business to include **delays in obtaining administrative services and benefits from the University** (e.g., holding transcripts, delaying registration, graduation, etc.).

- **Loss of University Privileges and/or Restricted Access:** A student who received this sanction shall be notified in writing as to the privileges, which he/she has lost. The privileges may consist of removal from residence halls. This written notification shall indicate the time period for which the student has lost certain access, activities or privileges. In addition, as a result of a violation of the *Code of Student Conduct*, a student may also be required to cease and desist privileges in extracurricular activities such as dance, cheerleading, Greek life, sporting events, etc. The aforementioned list includes but is not limited to said activities.
- **Loss of Student Office/Leadership Position:** Students in elected/appointed positions may lose the position as a result of a violation of the *Code of Student Conduct* for a specified amount time (minimal one semester).
- **Temporary or permanent separation of parties** (e.g., change in classes, reassignment of residence, no contact orders, limiting geography where parties can go on campus) with additional sanctions or violating orders.

Parental Notification

The University reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The University may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

Restitution

Reimbursement for damages to or misappropriation of University property or property belonging to another. Reimbursement may take the form of appropriate service to repair or otherwise compensate for damages.

Restorative Practice

If the incident involves more than one party, the Assistant Dean of Students may arrange a restorative justice meeting to discuss the impact of the situation on the parties and on the University. Both parties will be required to participate in the session. The session will be facilitated by a staff member.

University Probation

A specified amount of time involving restrictions, after which University authorities will determine if the student's behavior has improved. Conditions of probation may include attendance at educational activities designed to redirect negative behavior. Educational activities include participation or engagement with any University-recognized clubs, organizations, athletic teams, fraternities, sororities, or honor societies. During the probationary period, the student may receive more severe disciplinary sanctions, which may involve suspension if he/she is involved in the violations of any type of the Student Code of Conduct and/or breaking of any laws. Disciplinary probation may be for a fixed period of time or be indefinite.

University Suspension

Dismissal from the University for a specified period of time following acts of violation of the *Code of Student Conduct* or violation of a present probationary status. Suspensions are recorded on the student's permanent record. While on university suspension, the student is no longer in "good standing" with the institution.

Withholding of Degree

Temporary denial of a student's degree or participation in the graduation ceremonies pending resolution of a disciplinary matter.

SECTION 9: APPEALS

Any student who is found responsible for violating the *Code of Student Conduct* may request an appeal of the decision of the hearing board. However, when the responding student admits responsibility to the charge, the decision cannot be appealed.

Appellate Jurisdiction

In order for an appeal to be granted and/or for the outcome to be amended, one or more of the following grounds for appeal must be met:

Procedural Error: Specified procedural errors or misrepresentation of university regulations are so substantial that a fair and impartial decision was denied (e.g., substantiated bias, material deviation from established procedures, etc.).

New Evidence: New and significant evidence has become available which was not reasonably discoverable or available before the original decision was rendered. A summary of the new evidence and its potential impact must be included in the appeal.

Inappropriateness of Sanctions: The sanctions imposed are substantially disproportionate to the severity of the violation and the student's conduct history.

Appeals must be filed in writing to the Vice President for Student Success within 10 calendar days of the hearing board decision. The request must state clearly the basis of appeal and be substantiated by factual, relevant information.

In Title IX cases, the Assistant Dean of Students or designee will share the appeal by one party with the other party (parties) when appropriate under procedure or law (e.g., if the responding student appeals, the appeal is shared with the complainant, who may also wish to file a response, request an appeal on the same grounds or different grounds). The Assistant Dean of Students will refer the request(s) for appeal to the Vice President for Student Success or designee.

The Vice President for Student Success or designee will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. The Vice President for Student Success or designee must consult with the Title IX Coordinator on any procedural or substantive questions on relevant cases.

If the appeal is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal has standing, the Vice President for Student Success or designee shall begin a review of the record only, and no new meeting with the respondent or any alleged victim will be held. In review, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party to show clear error. The Vice President for Student Success or designee will limit his/her review to the challenges presented.

The Vice President for Student Success or designee, may

- (1) affirm the original finding and sanction;
- (2) affirm the original finding but issue a new sanction with lesser severity;
- (3) remand the case back to the decision maker(s) to correct a procedural or factual defect; or
- (4) reverse or dismiss the case if there was a procedural or factual defect that cannot be remedied by remand.

The presumptive stance of the University is that all decisions made and sanctions imposed by the original decision maker(s) are to be implemented during the appellate process. At the discretion of the Vice President for Student Success or designee, and in consultation with the Title IX Coordinator when necessary, implementation of sanctions may be stayed pending review only in extremely exigent circumstances. This does not include proximity to graduation, end of term, or exams. Instead, it refers to an overwhelming likelihood, as determined by the Vice President for Student Success or designee, that the appeal may result in a reversal of the finding and/or substantial modification of the sanctions.

All decisions of the Vice President for Student Success or designee are to be made within ten (10) business days of submission. The decision of the Vice President for Student Success or designee is final and may not be appealed.

SECTION 10: DISCIPLINARY RECORDS

All conduct records are maintained by the University at minimum for seven (7) years from the time of their creation.

A. Expungement

A student found responsible for a violation of the Code of Student Conduct may be eligible to have the infraction removed from their student record if the following requirements are met:

1. Infraction represents the student's first violation of the Code of Conduct.
2. The student completed all sanction requirements.
3. A period of three months has been observed since sanction requirements were met.
4. At least seven hours of University services approved by the Assistant Dean of Students in advance of work.

Requests for expungement may be subjected to additional review conditioned on the nature of the violation.

SECTION 11: DEFINITIONS

Active /Active Status/Active Promotion: the right to actively promote the goals, purposes, identity, programs and activities of a student organization. Active promotion shall be regarded as wearing any clothing and/or accessories, displaying organization paraphernalia, display and/or distribution of written publicity for the organization or an event, public announcements at a Dillard event or any visible sign that imitates or articulates promotion. Promotion includes letters or any symbols that could be associated with the group. This applies to any on campus and off-campus Dillard associated event.

Bias: the predisposition toward an issue or person that makes it impossible for the hearing board or officer to remain neutral.

Complainant: any person who submits an allegation of violation, or presents a complaint on behalf of the University, alleging that a student violated the *Code of Student Conduct*.

Conduct Transcript/Conduct File/Conduct Record/Conduct Recording: the official written or recorded documentation maintained by the University on matters related to student conduct.

Effective Consent: the clear and unambiguous agreement and willingness, displayed through an exchange of words or unambiguous actions, which includes a voluntary agreement to engage in mutually agreed upon sexual activity.

Faculty Member: any person hired by Dillard to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.

Guest: any person to whom a student or university official has extended hospitality or an invitation to come onto University facilities or to attend University events. Guests of the university, such as those individuals or groups of individuals who participate in summer programs or conferences shall be held accountable to the policies of the *Code of Student Conduct*.

Good Standing: academic good standing as determined by Academic Affairs and completion or satisfaction of all conditions and requirements of sanctions of Disciplinary Probation, Disciplinary Suspension, or Residential Expulsion.

Group/Student Group/Groups of Students: a number of persons who are associated with each other participating in a University sponsored program, activity, or living/learning environment, or who have not complied with University requirements for registration as a club, organization, or University program.

Intimidation: implied threats or acts that cause a reasonable fear of harm in another.

Organization/Student Organization: any number of persons who have complied with University requirements for recognition as a club or organization.

Policy: the written regulations of Dillard University found in, but not limited to, the *Code of Student Conduct*, *Residential Life Manual*, *Greek Life Manual*, and/or *University Catalog* whether in print or electronic format.

Premises: includes, but is not limited to all land, buildings, facilities, and other property in the possession of or owned, leased, operated, used, or controlled by Dillard University or a recognized student organization, including premises utilized for university related events.

Property: includes, but is not limited to, buildings, facilities, furniture, vehicles, keys, identification badges, parking passes and other items owned, used or controlled by Dillard University or a recognized student organization, including property utilized for university related events.

Protected Classes: include age, color, disability, gender, national origin, race, religion, sexual orientation, and veteran's status.

Responding Student: any student alleged to have violated the *Code of Student Conduct*.

Student: a person currently enrolled or eligible and intending to enroll in any University program or class whether on or off a University campus and including all persons taking courses at the University, both full-time and part-time, pursuing studies. During the intercession period between semesters or the summer period, it includes one who has completed the immediately preceding term and is eligible for enrollment or graduation. Students who withdraw from the University while a conduct matter is pending remain students for the purposes of this *Code*. For the purposes of this *Code*, "student," may additionally mean "group" or "organization".

Threat: Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.

University Community: students, faculty, staff, alumni, or religious community members of the University. A person's status in a particular situation will be determined by the Vice President for Student Success.

University Events/Programs: any activity on or off campus which is initiated, authorized, registered, or supervised by the University or a University group or organization.

University Official: any person employed by Dillard University performing assigned administrative, academic or professional responsibilities. This includes full and part-time faculty, staff, and administrators.

Witness: any person called upon to furnish information relating to an incident in which he/she was not a complainant or respondent.

SECTION 12: INTERPRETATION AND REVIEW

Any question of interpretation regarding the *Code of Student Conduct* shall be referred to the Vice President for Student Success or designee for final determination.

Disciplinary policies at the University are set forth in writing in order to give students general notice of standards of conduct. The regulations should be read broadly and are not designed to define conduct in exhaustive terms.

In some circumstances, the Vice President for Student Success may modify procedures outlined under the *Code of Student Conduct*. Such modification shall be at the sole discretion of the Vice President for Student Success.

The *Code of Student Conduct* shall be reviewed each year by the Assistant Dean of Students, Vice President for Student Success, and General Counsel, and other designees (as appropriate).

Dillard University expressly reserves the right to revise, supplement or withdraw any policy or portion of a policy, as it deems necessary. Any policy or statement in conflict, will be interpreted by the Assistant Dean of Students and the Vice President for Student Success in consultation with appropriate university and/or legal representatives.

ACKNOWLEDGEMENT

First Name:

Last Name:

DU ID Number:

Signature:

Date: