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# 2023-2024 CODE OF CONDUCT

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# Student Code of Conduct

## ARTICLE I: PURPOSE OF THE CODE

This Code of Student Conduct is established to set forth the standards of conduct expected of Southeastern Louisiana University students, both resident and commuter and to describe the procedures to be followed in cases of alleged violations of the Code.

The purpose of this Code is to ensure a safe and respectful campus community in which students can pursue their academic goals and engage in the intellectual, social, and cultural opportunities offered by the University. This Code is intended to promote individual accountability and responsibility, respect for the rights and dignity of others, and a sense of community conducive to learning, personal growth, and the pursuit of knowledge.

The University reserves the right to change the Student Code of Conduct during the academic year. **Revised July 01, 2023**

## ARTICLE II: DEFINITIONS

For this Code, the following definitions apply:

1. "University" means Southeastern Louisiana University.
2. "Student" means any person currently enrolled, registered, or attending classes or activities at the University, whether full-time or part-time, pursuing undergraduate or graduate study, or seeking other academic credentials, and who reside in University residence halls.
3. "Recognized Student Organization" means a group of persons who have complied with the formal requirements for University recognition. Unless otherwise stated, these terms are interchangeable with the term "student" as it relates to all areas of the Student Code of Conduct.
4. "University Premises" means any building, facility, or property owned, leased, operated, controlled, or supervised by the University, including classrooms, residence halls, dining facilities, recreational areas, athletic facilities, and offices.
5. "University Activities" means any activity or event sponsored, organized, or sanctioned by the University, whether on or off campus, including but not limited to classes, meetings, seminars, performances, athletic events, and social events.
6. "University Official" means any person employed by the University in an administrative, executive, supervisory, academic, research, or support capacity, including but not limited to faculty, staff, administrators, and campus police officers.
7. "Shall" is used in the imperative/mandatory sense.
8. "May" is used in the permissive sense.
9. "Proscribed Conduct" means any behavior that is in violation of this Code.

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10. "Sanction" means any corrective or restorative action to remediate a Student Code of Conduct violation.
  11. "Conduct Officer" means a University official authorized on a case-by-case basis to impose sanctions upon the student(s) or organization(s) found to have violated the Student Code of Conduct. Nothing shall prevent the same conduct officer from imposing sanctions in all cases.
  12. "Hearing Board" means a group of University administrators, students, and/or faculty or staff members hearing cases arising from student violations of University policies.
  13. "Appeals Officer" means the person designated by the Vice President for Student Affairs (VPSA) to oversee the appeals process. The VPSA may serve as an Appeals Officer and the sole member of a hearing board or one of the members.
  14. "Complainant" means the person who alleges a violation of the Student Code of Conduct by a student or student organization. Third parties reporting an incident are not complainants.
  15. "Respondent" means any student or student organization who allegedly violated a university rule, regulation, or policy.
  16. "Witness" means a person who can give a first-hand account of an incident.
  17. "Advisor" means any person chosen by the student to provide support and guidance throughout the disciplinary process.
  18. "Investigator" means any University official gathering information for a hearing officer or hearing board to determine whether a code of conduct violation occurred.
  19. "Complaint" means a written statement of the essential facts constituting a University regulation or rule violation. Complaints may be filed online or in person.

### **ARTICLE III: CONDUCT AUTHORITY**

The Vice President for Student Affairs or designee is responsible for administering the Code of Student Conduct and ensuring that disciplinary proceedings are conducted fairly and impartially. The Vice President for Student Affairs or designee has the authority to:

1. Investigate alleged violations of the Code;
2. Initiate disciplinary proceedings against students accused of violating the Code;
3. Serve as a conduct officer or appoint a hearing officer to conduct disciplinary hearings;
4. Impose disciplinary sanctions upon students who are found to have violated the Code;
5. Suspend or expel students from the University for disciplinary reasons;
6. Revoke or suspend the recognition of student organizations for violations of University policies or regulations.

### **ARTICLE IV: PROSCRIBED CONDUCT**

#### **A. Jurisdiction of the University**

Students at Southeastern Louisiana University are provided a copy of the Code of Student Conduct annually through the following link on the Office of Student Advocacy and Accountability's website. Students are responsible for reading and abiding by the Code of Student Conduct provisions.

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- 1. Application of the Code:** The Code of Student Conduct and the student conduct process apply to the conduct of individual students, both undergraduate and graduate, and all Recognized Student Organizations. For student conduct, the University considers an individual to be a student when any person is currently enrolled, registered, or attending classes or activities at the University, whether full-time or part-time, pursuing undergraduate or graduate study, or seeking other academic credentials.
  
  - 2. Enrollment Status:** The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct prior to the leave, withdrawal, or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll and/or obtain official transcripts and/or graduate, and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the University may invoke these procedures. Should the former student be found responsible, the University may revoke that student's degree.
  
  - 3. Purview:** The Code of Student Conduct applies to behaviors on campus, at University sponsored events and may also apply off-campus when the Dean of Students or designee determines that off-campus conduct affects a substantial University interest. A substantial University interest is defined to include the following:
    - a. Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of self or others; and/or
    - b. Any situation that significantly impinges upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
    - c. Any situation that is detrimental to the University's educational mission and/or interests; and/or
    - d. Any situation where the conduct adversely affects the university community, pursuit of its objectives, or neighboring communities.

Jurisdiction applies to all University locations, including where the University is extended to distance education, such as study abroad, service trips, experiential learning opportunities, athletic, club sports, and other group travel. Jurisdiction may also be applied to behavior conducted online, via e-mail, or through electronic mediums in cases where the behavior is not protected by freedom of expression. The University does not regularly search for online information but may take action if such information is brought to the attention of University Officials.

- 4. Guests and Visitors:** A Student may be held accountable for the behavior of their guests or visitors on University Premises. If a guest is found to be in violation of the Code of Student Conduct while in the company of the student host or with the student host's knowledge, applicable charges will be brought against the guest, as well as against the student host or the



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host student organization. Guests and visitors of the University may also initiate referrals for potential violations of the Student Code of Conduct committed by Students against them.

**5. Violation of Law:** If a student is charged only with an off-campus violation of federal, state, or local laws but not with any other violation of this code, restorative action may be taken, and sanctions imposed for grave misconduct which has a detrimental impact on the University's educational function.

Students may be accountable to external authorities and the University for acts that constitute violations of federal, state, or local laws and this code. At the discretion of the Dean of Students or the Chief Student Conduct Officer, disciplinary proceedings will continue normally regardless of pending administrative, civil, or criminal proceedings arising from the same or other events. The outcomes of disciplinary proceedings will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed, reduced, or are pending.

When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also the subject of a proceeding before a hearing body under the Student Code of Conduct, however, the University may advise off-campus authorities of the existence of the Student Code of Conduct and how such matters will be handled internally within the University community.

The University will cooperate fully with law enforcement and other agencies in enforcing criminal law on campus and in the conditions imposed by criminal courts to rehabilitate student violators. Individual students and faculty/staff members, acting in their capacities, remain free to interact with governmental representatives as they deem appropriate.

### **B. Amnesty**

Student health and safety are primary concerns at the University. The Office of Student Advocacy & Accountability (OSAA) will grant amnesty in certain cases. Students who take reasonable action to prevent, stop or report violations of the Student Code of Conduct may be protected by amnesty. OSAA will grant amnesty to Students who proactively seek medical help for themselves or others where the help-seeking Student may have been involved in underage drinking or other improper use of alcohol or drugs (illegal, OTC, or prescribed) at the time of the incident; however, amnesty will not be granted for more severe alcohol or drugs policy violations and/or other policy violations that may have occurred during the incident (e.g., drug distribution, arson, theft, etc.). Amnesty does not prevent any actions that any law enforcement agency, including Southeastern University Police, may take.

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### C. Conduct Standards and Regulations

Students at Southeastern Louisiana University are expected to conduct themselves as responsible citizens and to respect the rights and dignity of others. Proscribed conduct includes, but is not limited to, the following:

- 1. Acts of Dishonesty/Academic Dishonesty.** Acts of dishonesty are any form of fraudulent behavior or violation of the [Academic Integrity Policy](#). Acts of dishonesty include but are not limited to:
  - Cheating, plagiarism, or other forms of academic dishonesty;
  - Furnishing false information to any University official, faculty member, or office;
  - Forgery, alteration, or misuse of any University document, record, or instrument of identification.
- 2. Disorderly Conduct.** Disorderly conduct disturbs the orderly functions and processes of the University and/or infringes on the rights of others, including but not limited to:
  - Lewd or indecent behavior or conduct;
  - Interfering with the duties of a student, faculty/staff member, or University official;
  - Interfering with an approved campus demonstration;
  - Leading or inciting others to disrupt scheduled and/or ordinary activities within the University premises.
- 3. Abusive Conduct.** Abusive conduct includes all forms of harassment, verbal abuse, and/or violent behavior, including but not limited to:
  - Intentionally causing physical injury to self or others or taking any action upon any person with such reckless disregard that bodily harm might result;
  - Engaging in any repetitive behavior that is threatening or intimidating to another person or that is disturbing to another person and has no legitimate purpose;
  - Demonstrating unwanted or obsessive attention to individuals or groups in person or electronically. By its nature, stalking is not a one-time event. It is behavior that could cause a person to suffer substantial acts that alarm, cause fear, or seriously annoy such other person(s), and that serves no legitimate purpose;
  - Intentionally selecting a person against whom a criminal offense is committed or intended to be committed because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation, regardless of whether the belief or perception is correct;
  - Bullying and cyberbullying (repeated or hostile behaviors that a reasonable person would find intimidating or that would harm or distress another person).
  - Violation of the [Discrimination and Harassment Policy](#).
- 4. Power-Base Violence and Sexual Misconduct.** Power-based violence is any form of interpersonal violence intended to control or intimidate another person by asserting power over the person. Sexual misconduct is sexual harassment, abuse, assault, and/or sex discrimination prohibited by Title IX. Sexual misconduct cases may be adjudicated under general conduct and/or Title IX procedures based on jurisdiction (see [Power-based Violence and Sexual Misconduct Policy](#)).

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- 5. Endangerment.** Endangerment is the creation of a hazard or otherwise intentionally or recklessly endangering the physical safety of self or others, or property, including but not limited to:
    - Reckless or intentional acts that endanger or put at risk the welfare of oneself or others;
    - Unlawful actions or language which depicts glorifies, encourages, or supports terrorism or violent actors or acts. This includes true threats as legally defined;
    - Violation of the [Coasting Devices Policy](#).
  - 6. Drug Violation.** Use, possession, manufacturing, distribution, or sale of cannabis, cocaine, narcotics, or other controlled substances (including over-the-counter drugs, prescription drugs, and drug paraphernalia), except as expressly permitted by law and the University's Drug Policy (See the Student Drug Policy).
  - 7. Alcohol Violation.** Unauthorized or illegal use, possession, manufacturing, distribution, or sale of alcohol; public intoxication; operating a vehicle or other mode of transportation under the influence of alcohol; or any violation of the University's Alcohol Policy (See the Student Alcohol Policy).
  - 8. Abuse of Property.** The abuse of property includes all forms of property abuse, including but not limited to:
    - Vandalism, malicious or ignorant destruction, damage, disfigurement, or misuse of public or private property, including library materials;
    - Theft, larceny, shoplifting, embezzlement, or the temporary taking of the property of the University, another person, business, or organization; and/or
    - Violating the [Copyright Policy](#).
  - 9. Trespassing.** Trespassing is unauthorized presence on, in, or within any virtual space, building, or property owned or operated by the University (including residence halls) or the unauthorized entry into or remaining in a facility, office, or residence under the control of another having been asked to leave.
  - 10. Weapons Violation.** Unlawful possession of, display of, discharge of, use of, sale of, or attempt or threat to inflict a wound, cause injury, or incapacitate, including but not limited to all firearms, switchblade knives, knives with blades five or more inches in length, or dangerous chemicals. A weapon is any object used or could be reasonably construed for inflicting bodily harm or physical damage.
  - 11. Explosives Violation.** Possession of, display of, discharge of, use of, sale of, or attempt or threat of use of explosives (including fireworks, firecrackers, ammunition), bombs, or incendiary devices, except as required for classroom instruction.
  - 12. Abuse of Computers and Other Technology.** Abuse of computers and other technology is all forms of technology abuse, including but not limited to:
    - Violations of the [Responsible Computing Policy](#);
    - Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises in places where a person might reasonably expect privacy (for instance, bathrooms, bedrooms, etc.) when such a recording is likely to cause injury or distress.
    - Sending or posting obscene or abusive messages and/or images electronically.

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- 13. Safety Violation.** Unauthorized or improper possession, use, or tampering with one's emergency, fire, public safety, building and premise security and safety equipment, devices, and systems, including but not limited to:
- Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.);
  - failing to evacuate facilities in a timely fashion in emergencies or in response to fire alarms, fire codes, and regulations; and inappropriately using the fire alarm system;
  - Burning or the attempt to burn candles, incense, or any flammable substance which may present a fire hazard or danger to property or person and/or persons on the University campus
- 14. Violation of Other Published University Policies, Rules, or Regulations.** Violating other published University policies, rules, or regulations includes failing to adhere to any published University policy. The following are brief descriptions and internet locations of key institutional policies that most frequently and directly impact student conduct at Southeastern Louisiana University.
- [Parking Operations, Rules, and Regulations](#)
  - [Coasting Devices Policy](#)
  - [Power-Based Violence & Sexual Misconduct Policy](#)
  - [Resident Guidebook](#)
  - [Academic Integrity Policy](#)
  - [Discrimination and Harassment Policy](#)
  - [University Policies](#)
- 15. Violation of Federal, State, and/or Local Laws.** Violating any local, state, or federal laws, including but not limited to:
- Use of tobacco products or e-cigarettes, e-vaporizers, or electronic nicotine delivery systems on campus (see [Tobacco Free Campus](#));
  - Gambling in violation of the law;
  - Littering or other actions which endanger the environment (see [Anti-Litter Policy](#));
- 16. Failure to Comply.** Failure to comply with legitimate directives of authorized university officials, law enforcement, or emergency personnel. This includes but is not limited to:
- Failure to identify oneself or to show an Identification card when so requested;
  - Failure to complete sanctions by the date required or agreed upon;
  - Violation of any disciplinary sanction and/or interim actions;
  - Failure of students, their guests, or visitors to comply with those rules and regulations of published university policies, rules, or regulations.
- 17. Abuse of the Campus Discipline System.**
- Withholding information vital to any investigation carried out by an authorized agent of the University;
  - Falsely reporting an incident.
- 18. Disruption.** Disruption is disturbing the peace and good order of the university and surrounding communities, including but not limited to:



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- The intentional obstruction, interruption, hindrance, or disruption of teaching, research, administration, ceremonies, disciplinary proceedings, or other University tasks and activities;
  - Creating excessive noise which can be heard in other areas of the campus and which interferes with the normal operations of the University;
  - Implementing maladaptive behavior is disruptive to the University's educational process.
  - Classroom behavior that seriously interferes with the faculty member's ability to conduct the class or the ability of other students to profit from the instructional program (see [Student Behavior in the Classroom Policy](#)).

**19. Hazing. ([Refer to Hazing Policy](#))** Hazing means any intentional, knowing, or reckless act by a person acting alone or acting with others that are directed against another when both of the following apply:

- I. 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.
- II. The act was associated with pledging, initiating, affiliating with, participating in, holding office, or maintaining membership in any organization.

## **ARTICLE V: STUDENT RIGHTS AND RESPONSIBILITIES**

### **A. Student Rights:**

1. The right to learn and pursue knowledge in an environment that is respectful and conducive to learning.
2. The right to be free from harassment or discrimination based on race, color, religion, sex, national origin, age, disability, veteran status, or any other basis protected by law.
3. The right to exercise freedom of speech and assembly provided such expression does not infringe on the rights of others or disrupt the educational process.
4. The right to a fair and impartial investigation and adjudication process.
5. The right to confidentiality to the extent permitted by law.
6. The right to have an advisor present during any disciplinary proceedings.
7. The right to appeal the outcome of any disciplinary proceeding.

### **B. Student Rights and Privileges in Disciplinary Proceedings:**

1. To be informed of the Student Code of Conduct, its corresponding procedures, and all of the rights enumerated herein;
2. To petition to redress a grievance arising from an incident that violates University policy and/or the Student Code of Conduct. Any member of the University community may file a charge or complaint against a student when that person believes the student has violated any University policy;
3. To receive notice of any alleged violations of University policy and/or breaches of the Student Code of Conduct;
4. To have the benefit of an opportunity to be heard by an impartial Hearing Board or Hearing Officer in addressing an allegation/s of a violation of University policy;

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5. To have an attorney or non-attorney advisor fully participate in all proceedings;
  6. To examine evidence to be used against him or her at the administrative discipline conference or prior to a formal hearing;
  7. To view the list of witnesses and/or statements provided by witnesses at the administrative discipline conference or prior to a formal hearing;
  8. To receive written notice within 72 hours of interim measures;
  9. To have the right to waive your participation in an interim measure hearing;
  10. To have a Confidential Advisor present at all proceedings;
  11. To be informed of available accommodations on and off campus (i.e., notified of available counseling, changing academic and living arrangements);
  12. To request a campus no-contact order;
  13. To have a hearing board comprised of diverse representatives;
  14. To have unrelated past behavior excluded from the hearing (i.e., irrelevant prior sexual history);
  15. To participate with special accommodations (i.e., by phone, behind a screen, video, etc.);
  16. Students have the right to request reasonable accommodations on the basis of a disability in order to allow for participation in the process.
  17. To request no direct contact with the accused or reporting student during the hearing (i.e., questions from the accused student would be posed through the Board Chairperson and then relayed to the complainant, or an appointed advisor may speak on the student's behalf);
  18. To provide questions to the Board Chairperson prior to or during the hearing that they may incorporate those into questioning the accused or reporting student;
  19. To be informed of the names of all witnesses who will be called to give testimony;
  20. To request a recess during the hearing;
  21. To be informed of the outcome of the disciplinary process, simultaneously with the reporting or responding party; and
  22. To appeal the Hearing Board's decision.
  23. To report in good faith and without fear of retaliation, violation(s) of the Code of Student Conduct, and other policies of the University to appropriate academic and/or administrative personnel.
  24. To privacy, as appropriate and indicated by FERPA, throughout the investigation and disciplinary process.

### **C. Student Responsibilities**

1. To comply with all federal, state, and local laws and University policies and regulations.
2. To maintain a level of behavior consistent with the message of the University.
3. To respect the rights and dignity of others.
4. Report violations of the Student Code of Conduct or other University policies and regulations to the appropriate authorities.
5. To cooperate fully with University officials in investigating and adjudicating alleged violations.
6. To attend disciplinary proceedings to which they have been summoned.

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7. Accept responsibility for their actions and the consequences thereof.
  8. To make full restitution for any damages caused by their actions.
  9. Refraining from behavior interfering with the educational process or the University's normal operations.
  10. To respect the property of the University and the property of others.
  11. To refrain from behavior threatening the health, safety, or welfare of themselves or others.
  12. To refrain from behavior that violates the University's policies on alcohol and drugs.
  13. To refrain from behavior that constitutes hazing.
  14. To refrain from behavior that constitutes power-based violence.
  15. To stay informed by reading communications from the University.
  16. To keep their advisor, confidential advisor, and other members of their party informed of communications from the university.

## **ARTICLE VI: DISCIPLINARY PROCEDURES**

### **Filing a Complaint**

Complaints of misconduct against a student may be filed online by any University community member (see [ReportIt](#)). Always call University Police at 985-549-2222 or 911 in case of an emergency. Complaints shall be prepared in writing and directed to the Office of Student Advocacy and Accountability or, in violations occurring in the University residential facilities, to the Residential Conduct Officer or designee.

Written complaints should include the following:

1. Full name, local address, phone numbers, and, if possible, "W" numbers of the complainant, accused, and witnesses.
2. The specific conduct standard, policy, and/or rule allegedly violated (the conduct officer may determine this);
3. The date, time, location, and persons involved in the incident under investigation;
4. A narrative of the incident describing what occurred;
5. Copies of pertinent witness statements, police and/or housing reports, and/or
6. Any other physical evidence (photographs, written documents, items, etc.)

Complaints should be submitted immediately after the incident, preferably within ten (10) business days. Barring unusual or extenuating circumstances, such as sexual misconduct and acts of violence, complaints may not be accepted for incidents that occurred more than 30 business days prior to filing.

The complainant (person filing charges) bears the burden of proof. Individuals considering filing complaints are encouraged to arrange a meeting with a Conduct Officer before filing complaints to discuss filing and hearing procedures.

Upon receipt of the filed complaint, a staff member of the appropriate office shall notify the accused student by email, regular mail, or hand delivery that proceedings have been initiated.

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The letter indicates a meeting time with a Hearing Officer or directs the student to schedule a discipline conference within a specified time. The letter also lists the initial alleged violation(s) the student is charged with. Additional charges may be issued if new information and/or evidence is discovered during the investigation. A new notice of charge will be sent to the accused student.

Some correspondence the Conduct Authority receives, even if it concerns an alleged Student Code of Conduct violation, may not be a complaint. Upon receipt, the conduct officer will determine whether the correspondence is a complaint.

The following are not complaints:

- Oral allegations that are not provided in writing.
- Anonymous correspondence. For anonymous complaints, see [Anonymous Reporting Form](#).
- Courtesy copies of correspondence or a complaint filed with or otherwise submitted to another person or entity.
- Inquiries that seek advice or information but do not seek action or intervention from the adjudication process.

#### **Disciplinary Procedures At Glance:**

1. All disciplinary procedures will be conducted fairly, impartially, and with respect for the accused student's rights.
2. The University may pursue disciplinary action against any student for violating the Student Code of Conduct.
3. The University may also pursue disciplinary action against any student alleged to have engaged in off-campus conduct that would violate the Student Code of Conduct if the conduct affects a substantial University interest.
4. The accused student shall be informed of the specific charge(s), their rights as a student, and the date, time, and location of the conduct meeting.
5. Students who are found responsible for violating the Student Code of Conduct will be subject to disciplinary sanctions, which may include, but are not limited to, the following:
  - a. Warning: A written notice that the student is violating or has violated institutional regulations.
  - b. Probation: A designated period during which the student's status is changed to reflect a lesser degree of good standing.
  - c. Suspension: A temporary separation of the student from the University for a designated time.
  - d. Dismissal: A temporary separation with conditions of the student from the university for a designated period.
  - e. Expulsion: Termination of the student's status as a student of the University.
  - f. Restitution: Reimbursement for damage to or misappropriation of property.
6. The imposition of any sanction may be modified or postponed, subject to conditions imposed by the University, if the student cannot fulfill the sanction when it is imposed.

#### **Mediation and Alternative Conflict Resolution**

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Mediation is a voluntary process that requires the commitment of all parties. It is appropriate when a violation arises out of a dispute between students. It is generally reserved for first-time and less serious violation(s). The goal is to reach a written agreement to resolve the dispute and prevent it from recurring. The Conduct Authority has the discretion to refer a complaint for mediation or other forms of appropriate conflict resolution. All parties must agree to conflict resolution and be bound by the decision with no review/appeal. The conduct officer will retain a record of the mediation efforts and agreement. Any unsuccessful conflict resolution can be forwarded for an administrative hearing; however, at no time will complaints of violence be mediated as the sole institutional response. The Conduct Authority may also suggest that complaints that do not involve a violation of the Code of Student Conduct be referred for mediation or other appropriate conflict resolution.

### **Prohibition on Dual Roles**

No individual can serve in more than one role in any investigation – the Conduct Authority, specifically the Investigator(s), Decision Maker(s), appeals officer(s), coordinator(s), and advisor(s) must all be different officials.

### **Types of Conduct Meetings: Administrative Disciplinary Conference or Administrative Hearing**

Administrative Disciplinary Conferences and Hearings (as described below) may be held in person or via video conference software. Guidelines for virtual meeting attendance will be sent to participating parties and may include the following:

- Faculty, staff, and students must use their Southeastern account when logging into the online video conference. Be sure that the username presented is your name.
- You will be required to use a webcam for meetings—during meetings, you will need to be visible. During the meeting, please do not wear sunglasses or other garments (unless for religious or medical purposes) that otherwise conceal you.
- Please set up in a private room and remain seated during the meeting. Moving or walking around during the meeting is disruptive and distracting.

If there is a concern about having the webcam on for the duration of the meeting, please contact the Conduct Officer or designee to discuss it before any scheduled virtual meeting.

Failure to comply with this directive may result in removal from the hearing. The hearing will continue as scheduled.

### **Accommodations**

The student requesting accommodations for the disciplinary process should notify the Office of Student Advocacy and Accountability immediately, as applicable deadlines may be reasonably extended to ensure adequate time for assessment through [Student Accessibility Services](#).

### **Investigations and Notice of Charge**

Upon receipt of an alleged violation report, the University will conduct a preliminary review to determine whether the report has sufficient information or merit to warrant an investigation. If there is sufficient information, the University will investigate whether violating the Code of



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Student Conduct has occurred. If the University determines that a violation has occurred, the student will be provided with written notice of the alleged violation and the date, time, and location of a hearing before a designated University official or hearing board.

### **Administrative Disciplinary Conference**

The preliminary administrative disciplinary conference (DC) aims to allow the student to review the alleged offense/s with the Hearing Officer, examine the evidence, and discuss the Student Code of Conduct and the discipline process. Students who do not have a copy of the Student Code of Conduct will be directed to an online copy. Further, the student and the Hearing Officer will determine if the matter can be resolved through mutual agreement, including, but not limited to, the following:

- The charges/complaints being rendered null and void;
- A signed administrative agreement\*; or,
- A referral to mediation.

**\*Administrative Agreement:** If, at the disciplinary conference, the respondent assumes responsibility for an infraction, the student may sign an administrative agreement and waive any further proceedings and/or appeals.

If the complaint cannot be disposed of by mutual consent, the matter will be referred to an investigator prior to a hearing involving a Hearing Board or a Conduct Officer. The Investigator will gather information for a hearing officer or hearing board to determine whether a code of conduct violation occurred.

Failure to comply with this directive may result in a full hearing board being scheduled. Failure to respond to a summons may result in any or all of the following:

- A referral of your case to a hearing board.
- A \$100 fine is assessed against your account.
- A block is placed on your ability to register for future classes.
- A hold is placed on your academic records.

### **Hearings**

In cases that cannot be resolved in an Administrative Disciplinary Conference and in those incidents, which rise to the level of expulsion or suspension from the University or University Housing, the matter will be referred to a Hearing Board. Hearings involving a hearing board are designed for the complainant and respondent to present their accounts of an incident.

A hearing aims to determine if the accused student is responsible for violating one or more standards of the Student Code of Conduct and to recommend any appropriate sanctions. A student is presumed not responsible until proven responsible in a hearing. The burden of proof shall rest on the complainant.

### **Hearings Procedures at Glance:**

1. The accused and the reporting party shall be given written notice of the hearing.

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2. The accused student shall be informed of the specific charge(s), their rights as a student, and the hearing's date, time, and location.
  3. The hearing will be held at a reasonable time and place and closed to the public.
  4. The student will be able to respond to the charges and present evidence and witnesses on their behalf.
  5. The University will be able to present evidence and witnesses supporting the charges.
  6. Advisors will be able to cross-examine parties.
  7. The hearing official or hearing board will determine whether a violation of the Code of Student Conduct has occurred based on a preponderance of the evidence standard.
  8. The decision will be provided in writing to the student within ten (10) business days of the conclusion of the hearing.

### **Hearing Notice**

Notice shall be sent/delivered to the last local/ mailing address and/or Email account identified on the student's official records and shall be considered delivered two business days after the letter has been posted. Students are responsible for notifying the University of their current contact information, including physical/ mailing/ electronic addresses. Address changes must be made through the [Office of the Registrar](#). Failure to notify the University of the current local address, to collect one's mail from one's address, and/or to receive or sign for a mailing does not void the fact that a notice was delivered. Hand-delivered notices are delivered on the date they are given to the student.

Following the hearing, the Hearing Board Advisor shall advise the Respondent in writing of the determination of the sanction(s) imposed, if any. In cases of sexual assault, physical violence, and/or potential separation from the University, the complainant shall also be informed simultaneously of the determination and appeal of the result of the disciplinary proceeding.

### **Hearing Scheduling Procedures**

Generally, a time set for a hearing will be at least two or no more than 15 business days after the student has been notified of the hearing. Due to the nature of the academic year, if the incident occurs close to the end of a semester, or if the appropriate hearing body cannot be scheduled, the student's case will be heard as soon as a hearing can be scheduled. The Dean of Student and Conduct Authority decides when to cancel, reschedule, postpone, or move the hearing location. Maximum time limits for scheduling hearings may be extended at the discretion of the Dean of Students and the Conduct Authority. The Dean of Students and the Conduct Authority may make reasonable efforts with parties to schedule a date and time for the hearing; however, once a hearing is scheduled, the Dean of Students and Conduct Authority reserves the right to continue with the scheduled hearing date, time, and location.

### **Hearing Privacy**

Hearings normally shall be conducted in private. Only the hearing body/officer, respondent, complainant, their designated advisors, the recorder, and persons identified with the University community as having an educational need to know, maybe present for the beginning of the hearing. Each witness will be called into the hearing individually to give testimony. Subject to the

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approval of the Hearing Board Advisor and the parties involved, an observer may be admitted but shall not be privileged to participate in the hearing. Written requests for a waiver of rights to a private hearing and properly documented approval from all parties must be submitted to the Conduct Authority at least 48 hours before the hearing. Admission of any person to the hearing shall be at the discretion of the hearing body and/or the Hearing Board Advisor. Only the hearing body/officer and persons identified with the University community as having an educational need to know may be present during deliberations.

In order to preserve confidential conduct records, no individual is allowed to remove notes from hearing proceedings. Using audio, camera, and video recording devices in a hearing is strictly prohibited. Failure to comply with these rules may result in the removal from proceedings and additional restorative action.

### **Hearing Order**

The hearing is structured such that the discussion proceeds in an orderly manner. Below is the order that the hearing follows:

1. The reading of the complaint/charges by the hearing chairperson;
2. The entering of pleas by each respondent; Responsible, Not Responsible, and No Plea.
3. The opening statement of the complainant and introduction of evidence;
4. Questioning by the respondent and the Board and or the Hearing Board Advisor;
5. The opening statement of the respondent and introduction of evidence;
6. Questioning by the complainant and the Board, and the Hearing Board Advisor;
7. Statement of the complainant's witnesses, followed by an examination by the complainant and cross-examination by the respondent, and then questions of the Board and or the Hearing Board Advisor;
8. Statements of the respondent's witnesses, followed by an examination by the respondent and cross-examination by the complainant, and then questions of the Board and or the Hearing Board Advisor;
9. Additional questions by the Board, the Hearing Board Advisor, the complainant, and/ or respondent;
10. Closing statements, first by the complainant and then by the respondent, shall be specific to the incident involved and may include any reiteration of previously stated facts, written statements of character by a third party, and/or any other comments involving the case. Closing statements are the final opportunity for the respondent and the complainant to provide any additional information which will facilitate the Board's decision, including recommendations for sanctions. Closing statements may be limited to a specified time constraint at the Board and the Hearing Board Advisor's discretion.
11. Deliberation of the Board;
12. Recommendation of the Board to the Advisor;
13. Notification of the decision and, if necessary, sanctions. The notice may be delivered by hand, email, or mail.

### **Hearing Guidelines**

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A hearing before a Hearing Board shall be conducted according to the following guidelines:

- In hearings involving more than one respondent student, the Hearing Board Advisor, at the student's discretion, may permit the hearing concerning each student to be conducted separately.
- The complainant and the respondent have the right to be represented by any advisor they choose at their own expense. Written notification of the name and relationship of an advisor to the complainant or respondent must be submitted to the Hearing Board Advisor at least 48 hours prior to the hearing.
- The complainant, the respondent, and the hearing body shall be privileged to present witnesses, subject to examination and cross-examination. All parties are responsible for notifying their witnesses of the date and time of the hearing. Written notification of the names and relationships of witnesses to the complainant or respondent must be submitted to the Hearing Board Advisor at least 48 hours prior to the hearing.
- Respondents have the right to remain silent, although present, at hearings; Respondents may refuse to answer any question(s) and shall participate in the remainder of the hearing. Remaining silent or refusing to answer questions shall not be construed as an admission of responsibility or used against the student. Failure to appear at a hearing will not be viewed as an act of silence. Failure to appear will not delay the hearing process and may result in additional charges.
- Statements in hearings are confidential and may not be discussed outside of the hearing and/or discipline process.
- Lying or intentionally misleading the Board/Hearing Officer will not be tolerated and may be referred for restorative action.
- Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a hearing body at the discretion of the chairperson and/or the Hearing Board Advisor.
- All procedural questions are subject to the final decision of the chairperson of the hearing body and/or the Hearing Board Advisor.
- After the hearing, the hearing body shall determine (by majority vote) whether the student violated each section of the Student Code of Conduct the student is charged with violating.
- Hearing body deliberations to determine responsibility shall be conducted in confidential, closed sessions, as are any sanctioning portions.
- The hearing body's determination of responsibility shall be made if a preponderance of the information, that is, the facts and information presented in the hearing, are such that the hearing officer or hearing board finds it more likely than not that the respondent is responsible for the offense as charged.
- Strict rules of evidence do not apply at hearings. Although first-hand testimony is preferable, written statements, hearsay testimony, and other evidence are allowed, subject to the discretion of the hearing chair and/or Hearing Board Advisor.
- Except in the case of a student charged with failing to obey the summons of a hearing body or University official, no student may be found to have violated the Student Code of Conduct solely because the student failed to appear before a hearing body. In all cases,

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the evidence in support of the complainant(s) charge(s) shall be presented and considered, whether or not the respondent is present.

- The Hearing Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witnesses during the hearing by providing separate facilities, using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, indirect questioning, or other means, where and as determined in the sole judgment of the Conduct Authority to be appropriate.
- Following the final decision of the hearing body, the respondent will be informed of the determination and recommended sanction, if any, within ten business days. In cases of sexual assault and/or physical violence, the complainant shall also be informed simultaneously of the determination.

### **Interim Measures Hearing**

When a student or student organization is subjected to an interim action through the Office of Student Advocacy and Accountability, they will receive a written notice stating the reasons for the interim action and the time and place of the hearing.

At the hearing, the university shall show reasonable cause why the interim action is warranted, and the respondent shall have the opportunity to show why the interim action is not warranted. The student may present any information to the board that they deem relevant, including the name(s) of witnesses provided by both the respondent and complainant.

The university personnel conducting the interim measure review may consist of the Director and at least two other representatives from offices such as, but not limited to, Counseling Services, Student Accessibility Services, members of the Southeastern Threat Assessment and Response Team (START), and members of the Hearing Board.

After meeting with the respondent and complainant, reviewing all pertinent information, and interviewing witnesses, the respondent and complainant will be notified of the board's decision to take one of the following actions:

- Continue the interim actions;
- Modify the interim actions;
- Lift or remove the interim action.

Notice of the outcome of the interim action will be sent to the respondent and complainant within ten (10) business days.

## **ARTICLE VII: APPEALS**

### **Who May Appeal**

A student or recognized student organization (RSO) found responsible for violating the Student Code of Conduct may appeal that decision. The party filing an appeal will be identified as the



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appellant. Failure to appeal or comply with the appeal procedures may result in the original decision being final and conclusive. Submitting an appeal of a Hearing Board's decision is completing and submitting a conduct appeal via the "[Conduct Appeal](#)" portal.

In matters governed by the university's Power-based Violence & Sexual Misconduct Policy, the complainant and the respondent may appeal final determinations of responsibility or non-responsibility and/or any resulting sanctions based on specified grounds (see [Power-based Violence and Sexual Misconduct Policy](#)).

In academic misconduct cases, it is important to note that an appeal of student conduct decision/finding pursuant to the Student Code of Conduct appeal process is distinct from an academic/grade grievance.

**Appeal Procedures at Glance:**

1. A student who wishes to appeal a decision must submit a written request to the Vice President of Student Affairs (VPSA) within ten (10) business days of receiving the decision.
2. The VPSA will review the request and determine whether the appeal meets the grounds for an appeal.
3. The VPSA sends a response to the appellant.
4. If sent to the appeals board, the appeals board will review the record of the initial hearing and any new evidence submitted by the parties.
5. The VPSA will determine whether the decision was reasonable based on the evidence presented and will have the authority to uphold, modify, or reverse the decision. The VPSA may request to have another hearing scheduled.
6. The VPSA's decision will be provided in writing to the student within ten (10) business days upon receipt of the appeal.

**Grounds for Appeal**

Except as required to explain the basis of new information, an appeal at the University level may be limited to a review of the written statement by the party requesting the appeal and/or written documents pertaining to the case. The scope of review shall be limited to consideration of the following questions:

1. Whether the discipline process was conducted fairly, without bias, and in conformity with the properly prescribed procedures;
2. Whether new evidence, contradictory evidence, and evidence that the student was not afforded due process;
3. Whether to consider new information sufficient to alter a decision or other relevant facts not brought out in the original hearing because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board Hearing;  
or
4. Whether the sanction or remedy imposed was disproportionate to the gravity and nature of the conduct. (Submit documentation outlining how the sanction (s) was/were excessive or extreme for the violation(s) for which you were found responsible.)

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### **Time for Filing an Appeal**

A conduct appeal must be directed to the Vice President for Student Affairs (VPSA) or their designee within ten (10) business days of being notified of the decision. If the student is notified of the decision by letter, the student has ten (10) business days from the draft date of the letter to make an appeal. Such appeals shall be in writing and delivered to the [Vice President for Student Affairs](#) and/or Chief Conduct Officer or their designee. The VPSA is located in Dyson Hall, Room 126. Students may file an official appeal online by completing the [Conduct Appeals Submission Form](#).

### **Status During Appeal**

It is important for students and student organizations who file an appeal at the University level to understand that imposed sanction(s) from the hearing outcome is in effect until further notice. The rendered sanction is in effect as of the date identified on the sanction letter or until an appeal is granted. The Vice President for Student Affairs or their designee may choose to suspend the outcome of a hearing while the appeal is being reviewed.

### **Appeal Response**

Generally, a time set for an appeal response will be at most ten (10) business days after the student has delivered the appeal. However, time limits for an appeal response may be extended at the discretion of the Vice President for Student Affairs or designee.

### **Upheld Appeals**

If an appeal is upheld in cases involving appeals by students who have been found to have breached the Student Code of Conduct, the President, and Vice President for Student Affairs or their designee may either:

1. Reduce, change, or dismiss the sanctions of the hearing body; or
2. Remand the case to a new hearing body, although nothing shall prevent the same Student Conduct Advisor from serving as an advisor to this new hearing body.

### **Appeal to the University President**

A student may appeal the decision of the Vice President for Student Affairs to the President of the University or designee if the sanction is one of suspension from the University for one academic year or if the sanction is of greater severity. For appeals regarding less severe sanctions, the final appeal shall be at the Vice President for Student Affairs level.

### **Appeal to the University of Louisiana Board of Supervisors**

A student may appeal the decision of the University President to the Board of Supervisors for the University of Louisiana System if the sanction is one of suspension from the University for one academic year or if the sanction is of greater severity. For appeals regarding less severe sanctions, the final appeal shall be at the University level. If the student chooses to appeal to the Board of Supervisors after all administrative procedures have been exhausted at the University level, the appeal must be submitted to the President of the University of Louisiana System, which refers the appeal to the Board of Supervisors for the University of Louisiana System. The appeal must be made within 30 calendar days of the University's decision. The Board's review is limited to

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determining compliance with established and appropriate procedures at the University level. The student shall be notified of the Board's decision through electronic means or written correspondence.

It is important for students who file grievances with the University of Louisiana System Board of Supervisors to understand the following:

1. The Board of Supervisors does not consider appeals for academic matters but only matters pertaining to appeals of university rulings on conduct;
2. The Board of Supervisors conducts reviews of student appeals via materials provided by the student grievance and the university;
3. Review by the Board of Supervisors consists of an exhaustive examination of procedures followed by the university in regard to due process and not the specific details of the grievance matter; and
4. The University of Louisiana System student grievance process does not provide the benefit of a hearing by the student directly to the Board of Supervisors.

#### **Other Institutional Appeal Policies**

The following are brief descriptions and internet locations of key institutional Appeal policies that most frequently and directly impact student conduct at Southeastern Louisiana University.

- [Appeals - Change of Final Grade](#)
- [Appeals - Housing](#)
- [Appeals - Parking/Traffic Citation](#)
- [Appeals - Textbook Rental, Overdue Books](#)

#### **Transcript Holds and Notation Appeals**

A student whose transcript has been withheld or notated as described above may request a release of the hold or expungement of the notation for a good cause shown. The cause may include but is not limited to when:

1. A student who transferred while under investigation was found not responsible or
2. A student was initially found responsible, and later, evidence showed that the student was, in fact, not responsible.

In the second instance, an institution must send an updated version of the student's transcript.

Such a request shall be submitted in writing to the appropriate decision-makers (to be designated by the institution). The institution shall notify the requesting student of its decision no later than ten (10) business days from the date the appeal request is made.

#### **ARTICLE VIII: SANCTIONS, TEMPORARY, AND ADMINISTRATIVE ACTIONS**

It is the responsibility of the student to complete sanctions within the required time. A student must upload and submit all completed sanction documentation to the "[Sanction Submission](#)" portal on the Office of Student Advocacy and Accountability's website. Failure to complete sanctions may result in an official "hold" on a student's conduct records and/or further charges.

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In the event of non-compliance with an order of suspension or dismissal, University Police will ensure enforcement. The following sanctions may be imposed on an individual or student organization if they are found responsible for one of the specified violations.

In each case, a hearing body determines that a student has violated the Student Code of Conduct, and the hearing body shall recommend the sanction(s). Still, the Hearing Board Advisor will impose the final determination. Sanctions are not limited to those recommended by the hearing body but may be modified by the Conduct Authority.

### **Factors that Influence the Degree and Nature of the Sanctions**

Sanctions will be issued to respondents found violating some or all of their charges. While some violations have typical outcomes, the Code of Student Conduct seeks to preserve flexibility in the assignment of sanctions so that each respondent is afforded appropriate and just treatment. All sanctioning will consider the institution's goal of providing an effective learning environment for all members and seeks to repair the harm that the incident may have caused.

Factors that influence the degree and nature of the sanctions:

- The nature of the violation and the incident itself;
- The impact of the conduct on the individuals;
- The impact or implications of the conduct on the university community;
- Prior misconduct by the respondent, including the respondent's relevant prior student conduct history, both at the university or elsewhere, and any criminal convictions, if such Information is available and known;
- Any expression of remorse or acceptance of responsibility by a respondent;
- Maintenance of a safe and respectful environment conducive to learning;
- Protection of the university community;
- The necessity of any specific action in order to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects on members of the university community; and
- Any mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

### **Sanctions**

The following sanctions, individually or in combination, may be imposed upon any student or student group/organization found to have violated the Student Code of Conduct. This list is neither exhaustive nor in order of severity and may be enlarged upon or modified to meet any situation's circumstances.

- **Conduct Admonition:** 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.
- **Warning:** A written reprimand for violation of specified regulations. A warning is for a designated period and includes the probability of more severe sanctions if the student is found to be violating any institutional regulation(s) during the warning period.

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- **Fines and Other Fees:** A fine assessed by the University for a finding of responsibility or a fine paid by the student/student organization for participation in an online course or workshop as part of a sanction. Use of Tobacco Products or E-cigarettes on Campus (after being issued a warning): \$50.00 or time of monitored community service at the University. (see [Tobacco Free Campus](#))
  - **Campus/Community Service:** A student(s) may be required to provide services on the campus/off campus, without pay, for a specific time for violating the Code of Student Conduct.
  - **Restitution:** The student or student organization is required to replace (at replacement cost) or restore damaged, stolen, or misappropriated University property. In cases involving damage, theft, or misappropriated property of another individual, a student may be required to demonstrate proof of restitution.
  - **Educational Project, Workshop, or Course:** This may include the assignment of a research paper, participation (cost, if any, will be borne by the student) in an online educational program relevant to the issue, or other assignment or workshop relevant to the violation(s) of the Student Code of Conduct.
  - **Loss of Privileges:** The student or student organization will incur the loss of one or more privileges, such as, but not limited to, on-campus employment, representing the University in any official function or leadership position (e.g., athletics, student leadership position, cheerleader, membership in any registered student organization or holding of an elected office in any registered student organization); entering or being in specific locations (e.g., a residence hall or other facility); and/or engaging in specified activities on campus.
  - **Organization Loss of Privileges (limited):** The student organization loses all campus privileges and must cease all social and community activities for a specific time and/or until conditions are met. Business operations, such as regularly scheduled meetings, may continue. If it is determined that the organization is operating underground regarding social activities, the organization will be subject to full disciplinary suspension.
  - **Mental Health Assessment/Psychological Evaluation:** The student may be recommended and/or required to complete a mental health assessment or psychological evaluation by a licensed mental health professional (i.e., Psychiatrist) to assist in the student's readiness to return to the university regarding behaviors that violate the Student Code of Conduct.
  - **No Contact Order:** Prohibits named students from contacting, emailing, telephoning, or disturbing each other when there is reason to believe that an alleged violation of harassment policies, a physical altercation, and/or Sexual Harassment may have occurred. A No Contact Order can be issued to one/all parties involved. The No Contact Order will not prohibit students from attending classes or any other campus activity (even though students may be enrolled in the same class(es). It may require moving the student(s) to another residence hall or removing the student(s) from the residence hall environment. Violating the term or conditions of the No Contact Order may subject the student to disciplinary action without regard to the outcome of the case that led to the issuance of the administrative action.



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- **Parental Notification:** If a registered student under the age of 21 is involved in a University policy violation and/or violation of Louisiana state law for public intoxication, the possession, consumption, or distribution of alcohol or illicit drugs, the student's parent(s) or guardian(s) may be notified in writing. If a registered student is transported to an emergency medical treatment facility for drug use or alcohol intoxication, the student's parents, guardians, or other appropriate parties may be notified by Student Affairs or other University administrators if necessary to protect the safety of the student or other individuals. (In accordance with FERPA's health or safety emergency provision -- See 34 CFR §§ 99.31(a)(10) and 99.36.).
  - **Discretionary Sanctions:** Students or student groups/organizations may be assigned sanctions based on the nature of the incident and the needs of the student or student organization.
  - **Disciplinary Probation:** Final warning status and a written reprimand for violating specified regulations. University Disciplinary Probation removes a student from good disciplinary standing for a designated time, placing the student on final warning status. If the student is found to be in violation of any institutional regulation(s), particularly during the probationary period, separation from the institution may occur.
  - **Permanent Probation:** A student on permanent probation for remaining and future periods of enrollment in the University. Violations during this period automatically result in a disciplinary hearing.
  - **Residence Hall Warning:** Note that student behavior did not follow the University Housing policy. Residence Hall Warning removes a student from good disciplinary standing within the residence halls for a designated time and places the student on a warning status. If the student is found to be in violation of any institutional regulation(s), particularly during the warning period, further disciplinary action may occur.
  - **Residence Hall Probation:** Final warning status and a written reprimand for violating specified regulations. Residence Hall Probation removes a student from good disciplinary standing within the residence halls for a designated time and places the student on final warning status. If the student is found to be in violation of any institutional regulation(s), particularly during the probationary period, separation from the residence halls may occur.
  - **Residence Hall Suspension:** Separation of the student from the residence halls for a definite time, after which the student is eligible to return. Conditions for readmission may be specified. Suspended students are restricted from visiting or entering any residential facility operated by the University during the period of separation. Students should be aware that they may forfeit their residence hall deposits and fees subject to any refund policies when separated from the residence halls. Students should direct all inquiries to the Office of University Housing.
  - **Residence Hall Expulsion:** Permanent separation of the student from the residence halls. Expelled students are restricted from visiting or entering any residential facility operated by the University during expulsion.
  - **Disciplinary Suspension:** Involuntary separation of the student from the University for a definite time, after which the student is eligible to return, assuming no intervening serious

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misconduct has occurred. The student is placed on Disciplinary Probation for a definite time following the return to the University. Students involuntarily separated from the University are restricted from visiting or entering Southeastern Louisiana University premises during which their sanction is in effect without the advance written authorization from the Chief Student Conduct Officer. A hold may be placed on the ability to register and/or the records of students involuntarily separated from the University for the period of separation. Students are responsible for dropping any classes and fees assessed on their student accounts. In addition, a notation will appear on the transcript stating the terms of the suspension period.

- **Disciplinary Dismissal:** Involuntary separation of the student from the University for a definite time and without a guarantee of readmission. The terms of readmission will be established by the Chief Student Conduct Officer, with the burden of proof lying on the student. Students will be required to reapply to the university. Conditions for consideration of readmission may be specified. Students involuntarily separated from the University are restricted from visiting or entering Southeastern Louisiana University premises during which their sanction is in effect without the advance written authorization from the Chief Student Conduct Officer. A hold may be placed on the ability to register and/or the records of students involuntarily separated from the University for the period of separation. The student is placed on Disciplinary Probation for a definite time following the return to the University. Students are responsible for dropping any classes and fees assessed on their student accounts. In addition, a notation will appear on the transcript stating the terms of the suspension period.
- **Disciplinary Expulsion:** Permanent separation of the student from the University. Students involuntarily separated from the University are restricted from visiting or entering Southeastern Louisiana University premises without the advance written authorization from the Chief Student Conduct Officer. A hold may be placed on the ability to register and/or the records of students involuntarily separated from the University for the period of separation. In addition, a notation will appear on the transcript stating the terms of the suspension period.
- **Withholding Degree:** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of all sanctions imposed, if any.
- **Hold:** A hold may be placed on a student's University account and/or transcript when a sanction of voluntary withdrawal, temporary suspension, suspension, or expulsion from the University is imposed by the Conduct Authority or if the student has a disciplinary action pending.
- **Ban:** The student may be officially restricted from certain University premises or University-related activities. (See [Campus Trespass/Ban Policy](#))
- **Recommendation for Charter Revocation:** An official request to a national office to revoke the local chapter's charter.
- **Deactivation:** means losing privileges, including university recognition, either permanently or for a specific time.

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### Transcript Notations

In severe cases of misconduct, a student may be suspended or expelled. System universities shall note such on the student's academic transcript as follows:

- **“Student is ineligible to enroll.”** This will be noted when a student is permanently dismissed/expelled from the university for disciplinary reasons.
- **“Student is eligible to return (semester)(year).”** This will be noted on a transcript when a student is suspended for disciplinary reasons for a specified time and indicates which semester the student will be eligible to return.
- **“Intra-institutional communication required by Louisiana statute.”** For any student who is the subject of a sexual misconduct incident report, the University may place a hold on the student's official transcript and/or place this notation on the student's official transcript.

Notation of disciplinary action on academic transcripts may or may not affect eligibility to enroll at other higher education institutions.

### Disciplinary Student Conduct Records

Sanctions shall not be made part of the student's permanent academic record but shall become part of the student's confidential conduct record. Confidential conduct records remain on file with the Office of Student Advocacy and Accountability seven years after the incident. Confidential conduct records may be expunged at the student's written request one year after their graduation from the University in minor cases that do not involve separation from the institution. Open cases awaiting a restorative action's completion shall remain part of the student's permanent conduct record. Confidential conduct records involving the imposition of sanctions entailing separation from the institution are kept indefinitely. To request conduct records, visit the [“Records Request”](#) portal on the Office of Student Advocacy and Accountability's website. The following addresses confidentiality, access, and third-party records requests:

#### 1. Confidentiality

Southeastern Louisiana University is responsible for protecting students and student organizations' information, including information pertaining to conduct files as defined by the Family Educational Rights and Privacy Act (FERPA). This information is strictly confidential and can only be released upon the written consent of the student or student organization's current leadership.

#### 2. Access to Records

Students will be provided reasonable continued access and the ability to obtain copies of documents and conduct records during open cases. Students requesting access to view documents will need to submit a Records Request. To protect the privacy of those involved, records may not be distributed, posted, altered, or made public, this continues after the resolution process is completed.

#### 3. Third-Party Records Requests

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Students requesting records for third-party access will need to complete the form “Authorization to Release Information to and from the Office of Student Advocacy and Accountability.” This may take up to three (3) business days to process this request as all documents must be redacted for identifiable information pertaining to other students.

### **Typical Range of Sanctions**

Sanctioning ranges established by the University exist for students responsible for violating certain sections of the Student Code of Conduct. Ranges exist to provide a guide and are not mandatory as each case is determined on a case-by-case basis, considering the factors that influence the degree and nature of the sanctions. Ranges may be increased, decreased, or changed as needed.

The following sanctioning ranges exist as follows for first-time offenses:

- **Alcohol or Drug Violations:**
  - A Warning up to Suspension for up to one year.
  - Mental Health Assessment.
  - Parental notification.
  - Fine.
  - Restitution.
  - Loss of privileges.
  - Campus/Community Service.
  - Discretionary Sanctions.
  - Educational Project, Workshop, or Course.
- **Severe Alcohol and Drug Violations** (i.e., sales or furnishing of illegal drugs):
  - Dismissal or Suspension for two years up to Expulsion.
  - Mental Health Assessment.
  - Campus/Community Service.
  - Residence Hall Expulsion.
  - Discretionary Sanctions.
- **Violence to Person:**
  - Permanent Probation up to Expulsion.
  - Psychological Evaluation.
  - No Contact Order.
  - Educational Project, Workshop, or Course.
  - Loss of privileges.
  - Discretionary Sanctions.
- **Disruption and Disorderly Conduct:**
  - A Warning up to Suspension for up to one year.
  - Campus/Community Service.
  - Educational Project, Workshop, or Course.
- **Abuse of Property:**
  - A Warning up to Suspension.
  - Restitution.
  - Campus/Community Service.

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- **Power-based Violence & Sexual Misconduct Policy Violations:**
    - Permanent Probation up to Expulsion.
    - Psychological Evaluation.

### **Interim Measures**

UL System member institutions shall have the ability to take reasonable interim measures necessary to ensure the physical safety of members of its campus communities during a timely investigation and adjudication of a student disciplinary issue, including but not limited to the ability to make adjustments in student housing arrangements, impose conditions of mutual no-contact between the accused student and the alleged victim, temporarily suspend a student, or ban a student from campus. Such reasonable interim measures shall require the following:

1. Within seventy-two hours of the alleged violation being deemed an immediate threat, written notice of the interim measure explains the institution's reasons for enacting the measures.
2. Within seven business days of the written notice as outlined in the above paragraph, unless otherwise waived by the accused student, an interim measure hearing to determine whether there is substantial evidence that the student poses a risk to the physical safety of a member of the campus community and that the interim measure is appropriate to mitigate that risk.

At the hearing, both the accused student and the alleged victim shall have the right to be represented, at the student's expense, by an attorney or a non-attorney advocate who may fully participate during the hearing. An accused student's waiver of the right to an interim measure hearing shall not constitute an admission of guilt or a waiver of any additional rights provided for in this section. (see Interim Measures Hearing)

### **ARTICLE IX: STUDENTS IN MENTAL HEALTH EMERGENCIES**

Southeastern Louisiana University recognizes that mental health is an important student health and wellness aspect. The University is committed to promoting a supportive and inclusive environment that encourages students to seek help when needed. The following guidelines will be followed when dealing with students in mental health emergencies:

1. Any student experiencing a mental health emergency on campus should immediately contact the University Police Department at 985-549-2222 or dial 911.
2. The University Police Department will coordinate with the appropriate emergency responders and mental health professionals to provide assistance to the student in need.
3. The University will take reasonable steps to protect the student's privacy and provide appropriate support and resources to help the student recover.
4. The University will work with the student to develop a plan for ongoing support and follow-up care to help them manage their mental health and prevent future crises.
5. The University will provide education and training for faculty, staff, and students on recognizing the signs of mental health emergencies and responding appropriately.



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6. The University will comply with all applicable laws and regulations regarding the privacy and confidentiality of student mental health records.
  7. The University will not discriminate against any student on the basis of their mental health status. It will make reasonable accommodations to ensure that students with mental health conditions have equal access to educational opportunities and campus resources.
  8. Students with questions or concerns about mental health services or resources on campus are encouraged to contact the Counseling Center or the Dean of Students for assistance.
  9. The University will maintain a list of resources for students in mental health emergencies, including local hospitals, crisis hotlines, and counseling services. It will make this information readily available to students and the broader campus community.
  10. If a student poses an imminent risk of harm, including danger to self, danger to others, or gravely disabled, the University must notify the student's parent, guardian, or identified emergency contact.

### **Behavioral Intervention Team (BIT)**

BIT will assist in helping keep the university community safe and connect distressed students to available support services. BIT's primary goal seeks to act preventively versus reactionary to students in distress.

The BIT is divided into two categories of intervention, Southeastern Threat and Response Team (START) and Lion Intervention Network (LINK).

- **START**  
The purpose of the team is to assess and respond quickly and effectively (with input from pertinent professionals on the team) to reports of students who present behaviors that are potentially or actually harmful to themselves or to others or who are disruptive to the teaching and learning process, whether or not these behaviors are psychologically/medically based. The team functions as a communications and information-sharing network that assesses and responds to students in crisis in or out of the classroom. Additionally, the team meets regularly to discuss and plan appropriate responses to potential students' psychological/mental health and behavioral issues.
- **LINK**  
Developed to identify students facing academic challenges and/or personal hardship (i.e., financial, homelessness/displacement, loss of loved one, car accidents, non-life-threatening behaviors, etc.) that hinder their academics. LINK can connect students with any extra help they need along their educational paths to success. LINK functions as a communications and information-sharing network that assesses and responds to students as a pre-crisis intervention in or out of the classroom. Additionally, LINK is monitored daily by The Office of Student Advocacy and Accountability (OSAA). OSAA meets regularly to discuss and plan appropriate responses to potential student academic challenges and/or personal hardships. Cases reported to LINK that rise to the level of moderate or extreme are reported to START.

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### **Involuntary Withdrawal Due to Severe Psychological Disturbance**

Southeastern Louisiana University is committed to offering an educational opportunity to all students. However, when a student constitutes a threat to the health, safety, and welfare of the student, or others, or to University property or is unable to effectively pursue academic studies because of maladaptive behavior which is disruptive to the educational process of the University, the student may be withdrawn from the University. Such withdrawal should follow the procedures prescribed herein.

Involuntary withdrawal for medical reasons will be undertaken when the student exhibits behavior resulting from severe psychological disturbance as documented by a licensed psychologist, psychiatrist, or counselor. Conditions for involuntary withdrawal include:

- Behaviors, either voluntary and/or involuntary, that violate the Student Code of Conduct.
- Behavior that poses a direct threat to the health or safety of other University community members.
- When the University can no longer guarantee a safe environment for the student after all reasonable interventions and accommodations have been made to provide the student support and protection.
- Behavior that is so disruptive to other members of the University community that it disrupts or derails the educational process interfering with the rights of others to learn and meet their educational goals.

A student shall be summoned in writing to attend a conference with the Dean of Students or Designee and any person the Dean of Students or Designee requests as a consultant. The notice shall include the following:

- A statement of the reasons for the conference.
- A statement that if the appropriate professional staff and/or consultant recommends the student be involuntarily withdrawn from the University, the student can voluntarily withdraw from the University while waiving any rights to a hearing or to request a hearing.
- A statement advising the student that the election of a hearing waives the student's confidentiality rights to medical and psychological records for the hearing.
- A statement outlining the rights of the student is provided herein.

The purposes of the conference with the Dean of Students or Designee are:

- To review with the student the incidents.
- To assess the degree of the problem.
- To determine whether the individual will be referred immediately to the appropriate professional staff or consultant for an interview and, if so, advise the student that refusal to participate in the interview will subject the student to suspension from the University.
- To review the rights of the student as cited herein.
- To afford the student the right to choose voluntary withdrawal from the University or request a hearing before the committee on Involuntary Withdrawal. If an administrative referral is made, and whenever possible, the student will be accompanied to the interview by an appropriate professional staff member. The professional staff member or

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consultant conducting the interview shall make a determination concerning the degree of psychological disturbance and advise the Dean of Students or Designee of the appropriate action.

The student shall be afforded the following rights when a hearing is requested before the committee on Involuntary Withdrawal:

- A written letter of the time and place of the hearing at least three (3) class days prior to the hearing. The letter will also advise the student of the student's right to an attorney as defined in the University Student Code of Conduct and inform the student that if the student chooses to have an attorney present during the hearing, the student is required to notify the Student Conduct Officer or Dean of Students at least two days prior to the hearing. Additionally, the letter shall inform the student that the student's representative shall be limited to advising the student during the proceeding.
- The right to present witnesses and evidence on behalf of the student and to question witnesses and challenge evidence presented by the University.
- The right to appeal the decision of the committee to the University Vice President of Student Affairs within ten (10) business days of receipt of the committee's decision. The appeal is limited to grounds of prejudicial procedural error or arbitrary and capricious actions. The decision to appeal will not delay the initiation of the withdrawal. The Vice President of Student Affairs shall notify the Student Conduct Officer or Dean of Students and the student within ten (10) business days of receipt of the appeal.

If a hearing is requested before the Committee on Involuntary Withdrawal, a hearing shall be arranged within ten (10) business days. The Vice President of Student Affairs appoints the committee and includes but is not limited to a staff counselor, a psychology department faculty member, a social science faculty member, and the Student Conduct Officer or Dean of Students shall serve in an ex-officio capacity. The committee shall determine by the substantial weight of the evidence:

- Whether the student exhibits behavior cited herein.
- Whether the student should be involuntarily withdrawn

On determination that involuntary withdrawal is necessary and, in turn, carried out, the conditions for readmission are specified and depend on a psychological evaluation by a psychiatrist and a medical clearance being submitted for review by appropriate University professional staff and/or consultant. A student may be removed immediately from University property as provided in Article VIII of the University Student Code of Conduct pending initiation of the above procedures.

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**ARTICLE X: INTERPRETATION AND REVISION**

Any questions of interpretation regarding the Student Code of Conduct shall be referred to the Vice President for Student Affairs, the Office of Student Advocacy and Accountability , or their designee for final determination. The University reserves the right to change the Student Code of Conduct during the academic year. The Student Code of Conduct shall be reviewed periodically under the direction of the Vice President for Student Affairs or designee. The most current copy of the Student Code of Conduct can be found on the [Office of Student Advocacy and Accountability's website](#).

# University Alcohol Policy

## Policy Statement

Southeastern Louisiana University is committed to the health, safety, and well-being of each member of the University community. In order to further student learning and promote the University's academic mission, Southeastern fosters an environment of personal responsibility and respectful citizenship. This means that all members of the university community – students, faculty, and staff - in addition to visitors – have a shared responsibility in safeguarding a healthy learning environment in which inappropriate behaviors and the associated negative consequences of alcohol misuse are addressed in a manner appropriate to the circumstance. The University, as outlined in the following policy, strives to create a culture that supports students who have made the decision to not use alcohol, as well as encourage, through education, students who choose to drink alcohol to do so in a safe, legal, and responsible manner.

The possession, use, sale, distribution, or manufacture of alcohol may be done only in accordance with the provisions of federal and state laws, local laws and ordinances, and University regulations, including this policy. Louisiana state law prohibits the purchase, public possession or consumption of any alcoholic beverage by persons under the age of 21.

### Applicability

This policy applies to all Southeastern students, faculty, staff, and visitors.

### LEGAL SANCTIONS

Students and employees are reminded that local, state, and federal laws provide for various legal sanctions and penalties for unlawful possession or distribution of alcohol. These sanctions include, but are not limited to, incarceration and monetary fines.

### UNIVERSITY SANCTIONS

Students found to be in violation of this policy will be afforded due process as prescribed in the University Code of Student Conduct. Sanctions for policy violations include a disciplinary warning, up to and including expulsion from the University.

\*Students may also be referred for counseling and/or referral for individual assessment; referral may be included as a condition of any sanction.

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## DEFINITIONS

- “Alcoholic beverage” means beer, wine, or distilled spirits (liquor) as defined by state law.
- “Purchase” means acquisition by the payment of money or other consideration.
- “Public possession” means the possession of any alcoholic beverage for any reason, including consumption, on any street or highway or in any public place or any place open to the public, including a club, which is de facto open to the public.
- “Student” includes all persons taking courses at the University whether full time, part time, dually enrolled, visiting, online, for non-credit, or pursuing undergraduate, graduate, professional studies or non-degree seeking. Also included are those who attend post-secondary educational institutions other than Southeastern Louisiana University and who reside in University residence halls.
- “Employee” means any person having an employment relationship with the University, including but not limited to classified and unclassified staff, faculty, graduate assistants and student employees.

## Section I. General University Regulations

This section of the policy applies to all University students, employees, and guests.

All students, employees, and guests are strictly prohibited from the unlawful possession, manufacture, use, or distribution of alcohol on University property or as part of any University activity, whether on or off campus. This policy will extend to any other sites the University might operate or be represented. This policy will apply to the sale, possession, or consumption of alcohol in or at any University sponsored or registered event. The possession, consumption, sale or furnishing of alcoholic beverages is prohibited except in those areas where such activities are specifically allowed or preapproved.

The following conduct is prohibited except as permitted by University regulations and the law:

- The use, consumption, possession, manufacture, purchase, sale, furnishing, and/or distribution of alcoholic beverages on University property, or at any of its activities
- The use, consumption, possession and or purchase of alcoholic beverages by persons under 21 years of age.



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- Possession, consumption, sale, manufacture, or furnishing of alcoholic beverages in the residence hall or residence hall room.

Students residing in Southeastern Oaks may possess alcohol in their room dwelling if all residents are of legal age to possess and consume alcohol. Alcohol may not be present in common areas of the apartment if ALL residents in the apartment are not of legal age.

- Furnishing, serving, and or otherwise providing alcoholic beverages to persons under 21 years of age.

A contract must be signed with the University Police Department for an officer(s) to be present at all third-party rental events and at University (or University affiliated) sponsored events where alcohol is to be served if students will be present and it is plausible that students might be served alcohol, e.g., students are participating in the event other than in their capacity in the employment of the University.

## Section II. Student Organizations

This section of the policy applies to all registered student organizations

A. Student Organization's Event: An event may be considered a student organization event if one and more of the following occur:

- The event was pre-planned or premeditated (flyers, emails, organizations social media)
- The event was discussed or planned during the organizations meeting
- The majority of the organization's members knew of and/or attended the event
- Organizational resources were used in any way (i.e. entertainment, transportation, food, beverages, advertisement, etc.)
- A significant portion of attendees were invited by members of the organization
- In addition, an event could be considered a student organizations event if a non-member perceives the event as being sponsored by an organization.

Students and those affiliated with the organization should refer to the Student Organization Alcohol Event Procedures for a full list of action items an organization must complete before events where alcohol is served will be approved. Failure to complete any action items will result in your event being disapproved or cancelled.

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## B. General Regulations

- A contract with the University Police Department must be signed for any event where alcohol will be served. Subject to approval by the University Police, local law enforcement may be contracted for events occurring outside of Tangipahoa Parish.
- Student organizations may not distribute alcoholic beverages free of charge.
- No organization may co-sponsor an event with an alcohol distributor, charitable organization, tavern, or where alcohol is given away, sold, or otherwise provided to those present.
- Alcohol on campus will be allowed only at catered Food Service events and will be sold by Dining Services personnel or approved licensed servers.
- Alcohol, bar tabs, coupons for free or reduced-priced drinks, etc., may not be awarded as prizes for any raffles or other events.
- Alcohol may not be distributed free of charge by an alcohol company or distributor at any student organization event under any circumstances on campus.
- The cost of alcoholic beverages may not be included in the cost of an admission ticket, cover charge, or any other assessment required of members or guests.
- Vendors/servers are responsible for assuring that no person under the age of 21 is served alcohol.
- BYOAB (Bring your own alcoholic beverage) events will not be allowed on campus (tailgating is the only exception).
- No alcoholic beverages in bulk form (keg, etc.) may be purchased or used. Kegs of beer will not be allowed. A keg is considered a common source of alcohol. Providing a common source of any alcoholic beverage—be it beer, alcoholic punch, or an open bar—implies that it is provided by or on behalf of the organization, regardless of who actually purchased it.
- All alcohol events must be registered with the Office of the Dean of Students. Student organizations are only allowed to register/sponsor a total of three (3) alcohol events Sunday through Thursday during each semester. Events on Fridays and Saturdays are not subject to this limitation but are subject to the requirement that they be registered with the Office of the Dean of Students.

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- No events involving alcohol will be approved for the fourteen (14) calendar days prior to and including finals; this includes the weekend between the two weeks.
  - No events involving alcohol will be approved during any University closure (including but not limited to Fall Break, Spring Break, Thanksgiving, Mardi Gras, semester breaks, etc.)

### Section III. Alcohol at Athletic Events including Tailgating

Events should be conducted in an environment that is safe and enjoyable for all. As public events have great potential to attract a variety of spectators, the following regulations has been developed for these events:

- No alcoholic beverages may be possessed, distributed, served, or consumed by persons under that age of 21.
- Tailgating will be limited to home games unless otherwise approved by the Dean of Students Office.
- For home games that occur during a regular school day, tailgating activities will be allowed a time specified by the Dean of Students. For home games that occur on days when school is not in session, tailgating will be allowed starting at 5:00 p.m. the night before the game.
- No oversized or common source containers of any sort (including, but not limited to kegs, punch bowls; etc.).
- Drinking games involving alcohol are prohibited.
- Funneling or any other activity deemed by the University as inappropriate are prohibited.
- Individual(s) or groups engaging in inappropriate or disruptive behavior will be directed by law enforcement personnel to cease and desist from doing so and are subject to University, local, or state action.
- At home games, alcohol, cups, containers, ice chest, etc.; cannot be brought into the venue and all persons entering the venue are subject to a reasonable check/search of personal bags, purses, coats, etc.
  - Anyone found in possession of alcoholic beverages (other than those sold in the venue) and/or other items deemed dangerous or inappropriate will be refused admission to the game.

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- Any individual found in possession of said items will be evicted from the venue and will not be allowed to re-enter the venue for the remainder of the calendar day on which the game is held.
  - Alcohol may be purchased inside the venue by those of legal age with valid identification.

Failure to follow these rules and regulations may result in eviction from campus with possible University, local, or state action to follow.

# Drug Policy

## Manufacture, Distribution, Possession, and Use

Southeastern Louisiana University prohibits the unlawful manufacture, distribution, possession, or use of illicit drugs or drug paraphernalia on University property or as part of any university activity, whether on or off campus as set forth by this policy and defined by Louisiana Law. Law as it applies to this section of the policy refers to Louisiana R.S. 40:961 through R.S. 40:1034.

### LEGAL SANCTIONS

Students and employees are reminded that local, state, and federal laws provide for various legal sanctions and penalties for unlawful manufacture, distribution, possession, or use of illicit drugs. The range of penalties and violations of Louisiana Law cited above is fines up to \$1,000,000 and up to life in imprisonment without parole depending on the drug involved and the nature of the violation.

### UNIVERSITY SANCTIONS

Students found to be in violation of this policy will be afforded due process as prescribed in the University Code of Conduct. Sanctions for policy violations include a disciplinary warning, up to and including expulsion from the University.

Students may also be referred for counseling and/or referral for individual assessment; referral may be included as a condition of any sanction.

# Hazing Policy

## Policy Statement

In compliance with Acts 635, 637, and 640 of the 2018 Regular Session of the Louisiana Legislature as well as Act 382 of the 2019 Regular Session of the Louisiana Legislature, the 2019 Louisiana Board of Regents Uniform Policy on Hazing, and the University System Policy, Southeastern Louisiana University (“the University”) reaffirms in this Policy its mandate that any form of Hazing of any student is prohibited.

### Purpose of Policy

The University including the Division for Student Affairs does not tolerate hazing, including the physical, mental or psychological abuse of any individual or individuals. All allegations of hazing will be fully investigated by the appropriate authorities. Any organization, and/or individuals within an organization, found responsible of hazing may face disciplinary action up to and/or including expulsion from the University and criminal charges.

### Applicability

This policy applies to all Southeastern students, student organizations, potential student organizations, student organization advisors, alumni, volunteers, and faculty and staff, associated with student organizations.

## 1. Prevention and Education Programs

- Each new student shall be provided educational information on the dangers of and prohibition on Hazing during the new student orientation process in the form of a handbook.
- In addition, beginning the fall semester of 2019, each new student shall be provided education information on the dangers of and prohibition on Hazing during the new student orientation process either in person or electronically.
- If the student receiving this information is a minor, that information shall also be provided to the student’s parents or legal guardians.
- The Hazing prevention education required in this policy shall include the information about criminal penalties for the crime of criminal hazing. University shall also provide information to Organizations on their obligations under the law, including the duty to investigate and report, and on the possible loss of funding and other penalties applicable to Organizations under the Hazing laws.



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## 2. Organization Requirements to Operate at University

Each organization (as defined below in this policy and R.S. 17:1801.1), as a condition of operating at the University, is required to:

- Adopt the Hazing Policy and shall include the possible University sanctions against the Organization in the event of a reported or confirmed hazing incident and have a policy that prohibits hazing.
- Provide annually at least one hour of hazing prevention education that includes education relative to the applicable hazing policies to all members, prospective members, and anyone who is employed by or volunteers with the organization. The education may be provided in person, electronically, or both.
- Report annually to the university the students, employees, and volunteers who have received the education with an attestation from each that they received the education.

## 3. Duty to Seek Assistance

- In accordance with the Hazing laws, any person at the scene of an emergency who knows that another person has suffered serious bodily injury shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the injured person. Reasonable assistance includes immediately seeking or reporting the need for medical assistance from an appropriate authority
  - An appropriate authority includes:
    - Any state or local law enforcement agency
    - A 911 Public Safety Answering Point
    - Emergency Medical Personnel
    - Dean of Students
    - Office of Student Advocacy and Accountability
- Any person who violates the provisions of this Section shall be fined not more than one thousand dollars, imprisoned with or without hard labor for not more than one year, or b If the serious bodily injury results in the death of the person, any person who violates the provisions of this Section shall be fined not more than two thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

- It is important to note that consent is not a defense. It is not a defense against prosecution of an offense that the person against whom the hazing was directed consented to the Hazing Activity.

### Louisiana Laws on Hazing

#### **RS 17:1801 Amended: Hazing Prohibited**

Hazing in any form, or the use of any method of initiation into organizations in any education institution supported

wholly or in part by public funds, which is likely to cause bodily danger or physical punishment to any student or other person attending any such institution is prohibited.

Whoever violates the provisions of this Section shall be expelled, suspended, or dismissed from the education institution and not permitted to return for at least one semester, quarter, or comparable academic period. In addition, the person violating such provisions may also be subject to the provisions of R.S. 14:40.8.

#### **RS 14:40.8 Criminal Hazing**

It shall be unlawful for any person to commit an act of hazing. Any person who commits an act of hazing shall be fined up to one thousand dollars, imprisoned for up to six months, or both.

If the hazing results in the serious bodily injury or death of the victim, or the hazing involves forced or coerced alcohol consumption that results in the victim having a blood alcohol concentration of at least .30 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, any person who commits an act of hazing shall be fined up to ten thousand dollars and imprisoned, with or without hard labor, for up to five years.

If any person serving as a representative or officer of an organization, including any representative, director, trustee, or officer of any national or parent organization, is a sanctioned or recognized member at the time of the hazing, knew and failed to report, as soon as practicable under circumstances to law enforcement, that one or more of the organization's members were hazing another person, the organization may be subject to the following:

- Payment of a fine up to ten thousand dollars.
- Forfeiture of any public funds received by the organization.
- Forfeiture of all rights and privileges of being an organization that is organized and operating at the education Institution for a specific period of time as determined by the court.

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If the hazing results in the serious bodily injury or death of the victim, or results in the victim having a blood alcohol concentration of at least .30 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, the period of time shall be for not less than four years.

#### Definitions

1. Louisiana Law defines Hazing as any intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:
  - The person knew or should have known that such an act endangers the physical health or safety of the other person or causes severe emotional distress.
  - The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in or maintaining membership in any organization.
  
2. 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 any organization:
  - Physical brutality, such as whipping, beating, paddling, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity.
  - 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.
  - 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 that adversely affects the physical health or safety of the individual or causes severe emotional distress.
  - 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.
  - Activities or events that facilitate rapid drinking, drinking games, intoxication or impairment, and forced consumption of both palatable food and, or any other substance.

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- Any action taken or situation created that may cause pain, injury, excessive physical stress or fatigue including, but not limited to the following: paddling, slapping, tackling, pushing, and exercise that is not part of a reasonable all-organization athletic event.
  - Activities that involve the use of rope, string, elastic, or any device or material utilized to restrain or confine an individual.
  - Activities involving lineups, interrogation, or verbal abuse.
  - Theft of property.
  - Transportation against an individual's will such as kidnapping and/or abandonment at distant location.
  - Illegal activities such as requirement to steal items as part of a scavenger hunts.
  - Activities or expectations that are so time consuming as to significantly interfere with class work, study time, and sleep.
  - Requirements that financially take advantage of individuals within the group (Requiring an individual to purchase items as punishment).
  - The use of obscenities and vulgarities in dress, language or action.
  - Sexual degrading activities, including stripping, simulation of sexual acts or sexually explicit cheers, chants, and songs.
  - Conducting any form of personal servitude including, but not limited to driving individuals to class, cleaning another individual's room, serving meals to another individual, washing another individual's car; etc.
  - Activities that cause psychological stress including, but not limited to, any deception designed to convince a student that he/she will not be initiated, will be removed, or will be injured during any activity.
  - Dressing alike in specific costumes or clothing (this does not apply to dress attire required for business or ritual meetings).
  - Activities that cause psychological stress, including but not limited to, any deception designed to convince a student that they will not be made a member of the organization or group, will be removed, or will be injured during the activity.
  - Forcing or requiring the violation of University Policy, Federal, State or local law including, but not limited to, burglary, defacement, trespassing, animal cruelty, academic dishonesty, and providing false or misleading information.

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## Reporting Hazing Activities and Sanctions

### 1. University

- When the University receives a report alleging the commission of an act or acts of Hazing by one or more members of an Organization, the University shall:
  - Report, as soon as practicable under circumstances, the alleged act or acts to the law enforcement agency having jurisdiction in the place where the alleged act or acts of Hazing occurred and the University Police Department. The information reported to law enforcement shall include all details received by the University relative to the alleged incident, without any information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing; and
    - Document in writing all actions taken with regard to the report, including but not limited to the date the report was received, reports made to law enforcement as provided in R.S. 14:40.8, and any information relative to the University's investigation, processing, and resolution of the incident.
    - A standardized form that the University shall use to document such reports made to law enforcement as provided by La. R.S. 14:40.8 and the manner in which each hazing incident is handled and resolved at the University level is attached to this policy as Appendix A.
- If the University fails to comply with the provisions of the Hazing Laws it may be subject to the penalties outlined in La. R.S. 14:40.8, including payment of a fine up to ten thousand dollars.

### 2. Authority of University Police Officers

The right of university or college police officers to carry a concealed weapon and to exercise the power of arrest when discharging their duties shall extend to alleged acts of hazing committed by members of an organization that is organized and operating at the university or college for which the police officer is commissioned regardless of the location where the alleged act occurs. Any person arrested by a college or university police officer, in the exercise of the power granted through R.S. 14:40.8, shall be immediately transferred by such officer to the custody of the sheriff or city police wherein the arrest occurs.

### 3. Organizations and Affiliates

- If an organization takes disciplinary action against one of its members for Hazing or has reason to believe that any member of the organization has participated in an incident of

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hazing, the organization shall report the incident as soon as practicable to law enforcement and to the Dean of Students without any information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing

- If an organization or any of its members has been disciplined by a parent organization for hazing, the organization shall report the hazing for which the organization was disciplined as soon as practicable to law enforcement the Dean of Students without any information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing
- If any person serving as a representative or officer of an organization (including but not limited to, any representative, director, trustee, or officer of any national or parent organization) knew and failed to report, as soon as practicable under the circumstances, to law enforcement that one of the organizations members were hazing another person, the organization may be subject to penalties under R.S. 14:40.8
- A standardized form that Organizations shall use in making the reports required is attached to this Policy as Appendix B.

#### **4. Students**

Any student who violates the provisions of the Hazing laws and or this policy shall be expelled, suspended, or dismissed from the University; will not be permitted to return for at least one semester, and may be subject to criminal charges

Any student who fails to seek assistance as defined by the Hazing Laws and this policy shall be subject to the penalties outlined in La. RS. 14:40.8

#### **How a student should report**

Southeastern cares about the safety and wellbeing of its students. If you are being hazed or know someone in your student group or organization who is hazing or being hazed, we want you to be aware of your options in seeking assistance and reporting to the following designees.

If you are being hazed or know someone in your student group or organization who is hazing or being hazed, come forward and report to any of the following office/designees:

- University Police Department:
  - 985-549-2222
  - [police@southeastern.edu](mailto:police@southeastern.edu)
  - [Anonymous Reporting Form](#)



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- Office of Student Advocacy and Accountability
    - 985-549-2213
    - [Incident Reporting Form](#)
  - Office for Student Engagement
    - 985-549-2120
    - [engagement@southeastern.edu](mailto:engagement@southeastern.edu)
  - University Housing
    - 985-549-2118
    - [universityhousing@southeastern.edu](mailto:universityhousing@southeastern.edu)
  - Athletic Department
    - 985-549-2395
    - [lionscompliance@southeastern.edu](mailto:lionscompliance@southeastern.edu)
  - University of Louisiana System
    - [Louisiana System Anonymous Reporting Form](#)

Many organizations and groups also have internal procedures for reporting hazing anonymously. Please see your advisors and/or coaches for information specific to your organization or group.

Additionally, any faculty member or staff member that becomes aware of possible hazing of Southeastern Louisiana University students must immediately report the matter to one of the offices listed above.

### **Enforcement of Hazing Policy**

Any violation of the hazing policy shall be deemed a violation of the University's Student Code of Conduct and applicable laws. Thus, all allegations of hazing will be investigated by local law enforcement, the University Police Department, and the Office of Student Advocacy and Accountability. Individuals or groups found responsible for violating the Hazing Policy may face disciplinary action including expulsion from the University. The Chief Conduct Officer and the Assistant Director of Advocacy and Accountability may impose interim sanctions immediately upon notice of charge of violation of the Hazing Policy.

The University will not tolerate retaliation by any individual or group (whether that person was directly involved in the original incident) against any faculty, staff or student who reports, participates in an investigation of, or is Complainant or witness in a disciplinary proceeding involving the allegation of hazing. Claims of retaliation will be investigated as a breach of the University's Hazing policy and may result in University sanctions.

Policy Amended: 10/1/2019

Review Process: Executive Staff Review

# Discrimination and Harassment Policy

## Policy Statement

Southeastern Louisiana University is committed to maintaining an educational and workplace environment free of any type of discrimination and/or harassment which is illegal and which will not be tolerated. In furtherance of that commitment, this policy forbids discrimination and/or harassment of any kind by or against any applicant, employee, student, or any other individual/group of individuals on the basis of race, color, sex, religion, sexual orientation, gender identity, national origin, disability, genetic information, age, veteran status, political affiliation, citizenship, or retirement status. Cases involving allegations of discrimination and/or harassment by students are covered by the University Code of Conduct, Article IV: C. Proscribed Conduct, 3. Abusive Conduct, and are handled as such by the Office of Student Advocacy and Accountability. See: [www.southeastern.edu/studenthandbook](http://www.southeastern.edu/studenthandbook)

## Purpose of Policy

This policy is part of our commitment to comply with the requirements and objectives set forth by Presidential Executive Order 11246, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Veterans Employment and Readjustment Act of 1972, the Equal Employment Opportunity Act of 1972, Section 901 of Title IX of the Educational Amendments of 1972, the Rehabilitation Act of 1973, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act of 2008, Louisiana Executive Order 13, all as amended, and Louisiana Executive Order JBE 16-11.

## Applicability

This policy does not apply to cases alleging sexual misconduct/power-based violence alleged to have been committed by students, or any cases alleging violation of Title IX. See URLs:

[http://www.southeastern.edu/resources/policies/policy\\_detail/sexual\\_misconduct.html](http://www.southeastern.edu/resources/policies/policy_detail/sexual_misconduct.html) and [http://www.southeastern.edu/resources/policies/policy\\_detail/title\\_ix\\_grievance\\_procedure.html](http://www.southeastern.edu/resources/policies/policy_detail/title_ix_grievance_procedure.html)

Affected individuals should utilize the processes set forth within those policies. All other cases of harassment and discrimination are covered under this policy.

Inquiries regarding compliance with Title IX may be directed to the University's EEO/ADA & Title IX Compliance Officer or the Director of the Office for Civil Rights, U.S. Department of Education.

## Definitions

- A. **Complaint:** Allegations of discrimination and/or harassment filed in good faith and in accordance with established procedures.
- B. **Discrimination:** Taking adverse action against, or offering preferential treatment to, an individual/group of individuals based on protected characteristics or status rather than individual merit.
- C. **Harassment:** Unwelcome and objectively offensive physical, verbal, or nonverbal conduct regarding the protected characteristics/status of others, which is so severe or pervasive that it creates an intimidating, hostile or offensive environment and/or interferes with an individual/group of individuals' work or educational activities. This conduct need not have intent to harm; if severe enough, it does not have to consist of repeated incidents; and it need not be directed against a specific individual/group of individuals.
- D. **Sexual Harassment:** Unwelcome conduct of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual/group of individuals' employment or education; (ii) submission to or rejection of such conduct by an individual/group of individuals is used as the basis for a decision affecting that individual/group of individuals' employment or education; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual/group of individuals' employment or education, or creating an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to employment, the subject matter of a course, educational programs (including, but not limited to, athletics) or academic research. Sexual harassment also includes non-sexual harassment or discrimination of an individual/group of individuals because of the individual/group of individuals' sex and/or gender, including harassment based on the person's nonconformity with gender stereotypes.
- E. **Protected Characteristics/Status:** race, color, sex, religion, sexual orientation, national origin, disability, genetic information, age, veteran status or retirement status.

- F. **Retaliation:** Any adverse action taken against an individual/group of individuals who has/have complained about discrimination, harassment or other unlawful practice, or who may have participated in a court or administrative investigation, hearing or litigation relating to workplace conduct, discrimination, or harassment by filing a charge or acting as a witness. Retaliation is prohibited under Title IX as well as University policy. This includes overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual/group of individuals exercising rights under this policy. To establish a claim of retaliation, the individual/group of individuals need not be a member of a protected group or class. Individuals/groups of individuals who assist others in raising a complaint of prohibited discrimination and/or harassment by offering advice and moral support, or by giving testimony or evidence in support of a complaint, are similarly protected. This protection exists even if the complaint is eventually dismissed or found to be lacking in merit. The process for filing a complaint of retaliation is set forth in the University's Retaliation Policy.

## Policy Procedure

### I. Prohibited Conduct

#### A. Discrimination

- Examples include but are not limited to:
- Denying or granting employment promotions or other advancement opportunities based on an individual/group of individuals' protected characteristics/status;
- Granting/denying preference in education, educational programs or employment based on an individual/group of individuals' protected characteristics/status;
- Excluding any individual/group of individuals, from participation in, or denying the benefits of, any education program or activity, based upon their protected characteristic or status;
- Assigning grades based on an individual/group of individuals protected characteristics/status;
- Making work assignments based on an individual/group of individuals protected characteristics/status;
- Denial of leave based on an individual/group of individuals' protected characteristics/status.

#### B. Harassment

- Examples include but are not limited to:
- Verbal threats, offensive jokes, epithets, derogatory comments, ridicule, mockery or

- slurs;
- Gratuitous visual displays such as posters, photographs, cartoons, drawings, or gestures;
- Unwanted physical contact such as touching, intimidation or blocking normal movement.

### C. Sexual Harassment

- Examples include but are not limited to:
- Making unwanted sexual advances, including touching, kissing, hugging, or massaging;
- Making sexual gestures or visual displays such as leering;
- Offering employment or academic benefits in exchange for sexual favors;
- Gratuitous displays of sexually suggestive objects, pictures, cartoons, or drawings;
- Sending suggestive or obscene letters, notes, or invitations;
- Engaging in graphic sexual commentary about an individual's body.

## II. Establishing and Investigating Complaints

### A. Evidence

1. **Direct Evidence:** In order to establish direct evidence of discrimination and/or harassment, there must be proof that the adverse action or preferential treatment was a result of a protected category/status. Such evidence is any written or verbal statement by an official that he/she took actions against, or offered preferential treatment to, an individual/group of individuals because of their protected category/status.

2. **Circumstantial Evidence:** A violation can also be established if there is circumstantial evidence of discrimination and/or harassment. Typically, this link can be demonstrated based on the following:

- Suspicious timing of the adverse action against, or preferential treatment of,
- the individual/group of individuals; ambiguous statements by the accused; an accused's conduct toward other employees/students in the same protected group as the individual/group of individuals; and "other bits and pieces" of evidence "from which an inference of discriminatory intent and/or harassment might be drawn";
- Evidence that other individuals similarly situated to the individual/group of
- individuals but are not members of the same protected group "received systematically better treatment"; and
- Evidence that the individual was qualified for a position, but was replaced by or passed over for the position in favor of someone not in the same protected
- group as the individual and that the employer's stated reason for not choosing the individual was pre-textual.

3. **Non-discriminatory/Non- Harassing Reason:** Discrimination and/or harassment can be established if the entity fails to provide evidence of a legitimate and non-retaliatory/non-harassing reason for adverse employment actions/adverse educational actions/preferential treatment. Common legitimate reasons for adverse employment

actions/adverse educational actions/preferential treatment include poor job performance, inadequate qualifications for the position sought; violation of work rules or insubordination; poor academic performance, and violation of university academic policies, rules or regulations.

4. **Pretext to Motive:** Even if an entity produces evidence of a legitimate reason for the adverse action/preferential treatment, a violation can still be found if the reason is a pretext to hide actual motive. This can be proved through evidence that an individual/group of individuals was treated differently from similarly situated individuals or subjected to heightened scrutiny.

5. **Standard of Review:** The preponderance of the evidence standard will be used for investigation allegations of discrimination and harassment.

### **B. Confidentiality**

The University will respect the confidentiality of all parties and witnesses as much as possible, consistent with the University's legal obligations. Breaches of confidentiality or privacy committed by anyone receiving a report of harassment or discrimination or investigating the report of same may be considered a separate violation of the Policy and may result in the disciplinary sanctions.

### **C. Interim Measures**

Upon receiving a report of harassment or discrimination Southeastern will immediately offer any interim measures appropriate to the circumstances – including, but not limited to, temporary changes in classes, residence hall assignments, work assignments, etc. Both parties will be advised regarding the University policy on retaliation.

**D. Reporting and Investigation Process** Each of the Universities that comprise the University of Louisiana System (ULS) shall designate an EEO/ADA/Title IX Compliance Officer. The responsibilities of the Compliance Officer for each University include receiving and investigation of complaints of unlawful discrimination/harassment at the University. The name and contact information for the individual designated by the University as its Compliance Officer is as follows:

*Gene Pregeant, University Compliance Officer  
Rm. 120, Dyson Hall, SLU Box 10328  
985/549-5888  
gpregeant@southeastern.edu*

The Compliance Officer can serve in other capacities or roles within the University, but will report directly to the respective University President regarding all complaints of unlawful discrimination/harassment.



If a complaint of unlawful discrimination/harassment is against the Compliance Officer, the complainant shall complain directly to the University President. Complaints of unlawful discrimination/harassment against the University President shall be made directly to the University of Louisiana System Compliance Officer whose name and contact information is:

*Bruce Janet, Interim EEO Coordinator/Officer, UL System, Claiborne Building  
1201 N. Third, Suite 7-3000  
Baton Rouge, LA 70802  
225-342-6950*

**Complaint Procedures** – Complaints, whether informal or formal, should be reported as soon as possible after any alleged incident of discrimination or harassment has occurred. There is no deadline or required timeframe within which unlawful discrimination or harassment must be reported. However, a large proximity of time in between the alleged discrimination/harassment and the reporting may negatively affect the investigation.

**Informal Complaints** – A complaint of unlawful discrimination/harassment does not have to begin at the Informal Complaint stage. However, use of the Informal Complaint process may allow a matter to be resolved quickly if the complainant/complainants believe that the circumstances make the Informal Complaint process appropriate for a particular situation. Informal complaints should be made in writing within 10 business days of the date that the individual/group of individuals knew or had reason to know of the alleged discrimination/harassment. Although attempts will be made to address all complaints of discrimination/harassment, complaints that are made more than 30 calendar days after complainant/complainants knew or should have known about the alleged conduct will be more difficult or impossible to investigate depending on the facts involved. Informal complaints can be resolved through informal meetings (either separate or together) with the complainant/complainants and person/persons engaging in the alleged conduct and informal information gathering. Supervisors and department heads, and other administrators may be involved in resolving an informal complaint. If the Complainant is not satisfied with the results of an informal complaint, a Level 1 Complaint can be filed to begin the Formal Complaint Process. The Compliance Officer may document the resolution of an Informal Complaint. Should an individual utilize this campus process he/she may simultaneously exercise his/her right to proceed with criminal charges based upon the same behavior/conduct. Regardless of simultaneous criminal charges, the University will still conduct its own investigation.

#### **Formal Complaint Process Level 1**

Written complaints of discrimination/harassment should be submitted to the University's Compliance Officer within 10 business days of the alleged incident if the complainant/complainants do not wish to use the informal complaint process. This is not a deadline that will prevent a claim of unlawful discrimination/harassment from being heard by the Compliance Officer. However, complaints that are made more than 30 calendar days after the complainant/complainants knew or should have known about the alleged conduct will be more difficult or impossible to investigate depending on the facts involved.

**Initial Meeting with Complainant.** As soon as is practicable (but no more than 5 business days after the submission of a complaint), the individual investigating the complaint shall contact the complainant and schedule an initial meeting, within 5 business days of the contact. At the initial meeting, the Compliance Officer will provide a copy of this policy which explains the process and rights of all parties, request additional information regarding the reported incident, and explain the investigatory process.

**Process.** The Compliance Officer will either investigate or authorize an investigation, where all parties are given the opportunity to present witnesses and evidence.

**Notice of Allegations to Respondent.** At the outset of an investigation, the investigator will provide the respondent prompt (within five working days of the meeting with the complainant) notice of the allegations against him or her in writing together with a copy of/link to this Policy. A written notice of all documents will be provided to the complainant concurrently with respondent.

**Investigation Time Frame.** The investigation should begin within five working days of the notice to the respondent and must be concluded within a reasonable time frame, preferably no longer than ten working days from the day that the investigation began.

**Written Summary.** The Compliance Office will then issue to both parties a written summary of the outcome of the investigation within a reasonable timeframe (within ten working days of the completion of the investigation). A copy of the Compliance Officer's written summary of the investigation will be accessible to both parties.

**Preventative measures.** If an investigation confirms either that discrimination or harassment has occurred or that conduct in violation of the policy has occurred, immediate and appropriate action to stop any such conduct and reasonable steps to prevent any further harassment, discrimination, or retaliation shall be taken.

### **Formal Complaint Process Level 2**

If either party to a complaint of unlawful discrimination and/or harassment wishes to appeal the Level 1 decision, an appeal of the written decision must be made in writing within 10 business days of the receipt of the Level 1 Complaint determination. The appeal should be sent to the Office of the President of the University who will forward the appeal to the University EEO Advisory Committee for a review and determination.

### **Equal Employment Opportunity (EEO) Advisory Standing Committee**

Each University shall create an EEO Advisory Standing Committee composed of members of the faculty and staff from various departments. The EEO Advisory Standing Committee should include individuals representing the interests of classified and unclassified staff and should reflect the diverse workforce of the campus. The EEO Advisory Standing Committee for each

University will communicate regularly regarding issues related to policy implementation including University climate and systemic concerns. In addition to its other responsibilities, a sub-group of between three (3) and five (5) of the EEO Advisory Standing Committee Members shall serve as the Level 2 appeal review committee for this

**Discrimination/Harassment process.**

Each university shall maintain a pool of trained investigators who are employees of the universities who have had formal training in investigation techniques, policies, and procedures for purposes of resolving administrative complaints and actions within the campus environment. Such individuals should have knowledge in interviewing, evidence collection, and report writing, and will be the primary individuals responsible for making initial inquiries of complainants and respondents in a variety of administrative proceedings.

Prior to the EEO Advisory Standing Committee's review, a trained investigator appointed by the President of the university will:

Review and investigate the Level 1 complaint decision;

Collect and clarify additional available facts about the alleged incident;

Meet with the complainant/complainants and the accused individual, separately, if appropriate. The trained investigator will provide a report to the EEO Advisory Standing

Committee within ten working days of receiving the notice of appeal from the President. The EEO Advisory Standing Committee will review the Level 1 decision and the appeal as well as the investigator's report, and will make a determination regarding the Level 1 decision and will provide detailed findings along with any recommendations for appropriate action to the President of the University for his/her consideration. Such work must be completed within ten (10) working days of receipt of the report of the trained investigator.

Recommendations may include: uphold the Level 1 decision in full or in part or render an alternative decision in full or in part. The President of the University will review the report submitted by the EEO Advisory Standing Committee and, depending upon the nature and severity of the charge(s), the President may approve the recommended action or may recommend an alternate resolution. The action of the President must be taken within five working days of receipt of the report of the Committee.

Any extension of deadlines in this process must only be for reasons of extenuating circumstances and those circumstances must be shared with the complainant/s and the accused individual. The complainant/complainants and the accused individual will be notified of the decisions at each level.

The complainant/complainants will also be notified of all elements of the decision that directly relate to the complainant, involve general campus wide changes, or are otherwise required by state or federal law.

### **III. Sanctions**

Following an investigation, if a faculty or staff member is found in violation of the policy, that individual may be subject to disciplinary action, and the sanctions may include reprimand, probation, suspension, demotion, reassignment, and termination. In the event that personnel action is determined necessary and appropriate with respect to the accused, the University should use its appropriate personnel policies after a determination regarding the allegation.

### **IV. Training**

The Compliance Officer on each campus shall identify the human resources personnel as well as the managerial and supervisory personnel on each campus each year. The individuals shall be provided annual training by the Compliance Officer or designee on the Anti-Discrimination and Harassment Policy and shall have access to the Compliance Officer to address any questions or concerns that arise with respect to this policy. The Compliance Officer shall have access to and shall use the UL System EEO Coordinator/Officer as a resource as needed to ensure compliance with this policy. The EEO Advisory Standing Committee shall also receive training with respect to how to properly review and analyze complaints of retaliation as part of their annual EEO Training.

# Sexual Misconduct Policy

## Policy Statement

Southeastern Louisiana University, hereinafter referred to as Recipient, prohibits sexual misconduct and is committed to providing a learning, working, and living environment that promotes integrity, civility, and mutual respect in an environment free from sexual misconduct as provided in Title IX and other applicable laws. Recipient shall take prompt and appropriate action to investigate and effectively discipline those accused of such conduct in a manner consistent with the law and due process. Recipient shall provide support and assistance to those alleging sexual misconduct and shall report instances of sexual misconduct in accordance with law. Recipient will strive to create and maintain safe learning, working, and living environments for all individuals who participate in Recipient's education programs and activities, including online instruction. Any non-confidential report of sexual misconduct, as defined herein, must be investigated, addressed, and resolved by Recipient under the appropriate policy and procedures.

## Purpose of Policy

This policy was designed to ensure a safe and non-discriminatory educational and work environment and to meet legal requirements. Recipient complies with all applicable federal and state laws and regulations, and this policy shall be amended to reflect any changes to federal and state laws and regulations including, but not limited to, the following:

- Title IX of the 1972 Education Amendments which (i) prohibits discrimination on the basis of sex in educational institutions and (ii) requires colleges and universities receiving federal funding to combat gender-based violence and harassment, and respond to survivors' needs in order to ensure that all students have equal access to education;
- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), which requires (i) policies and procedures for sexual assault and (ii) requires timely warning and external reporting of crimes;
- Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA), which extends the Clery Act to include dating violence, domestic violence and stalking.

## Applicability

This Policy applies to Recipient's students and faculty/staff. This policy prohibits sexual misconduct committed by or against students and faculty/staff by other students, faculty/staff, or

third parties.

As to cases covered by Title IX, this policy applies when sexual harassment, as defined in the Policy, occurs in Recipient's education program or activity, against a person in the United States.

For all other types of sexual misconduct not covered by Title IX, this Policy applies generally to sexual misconduct on Recipient's premises; at Recipient-affiliated educational, athletic, or extracurricular programs or activities that have an adverse effect on the education or employment of a member of the Recipient's community; or that otherwise threatens the health and/or safety of a member of the Recipient's community. Recipient may address such misconduct in any manner Recipient chooses, including providing supportive measures or pursuing discipline as prescribed by the Code of Student Conduct (for students) or the appropriate employment policy (for employees).

## Definitions

**Coercion.** The use of express or implied threats, intimidation, or physical force which places an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion also includes administering a drug, intoxicant, or similar substance with the intent to impair that person's ability to consent prior to engaging in sexual activity.

**Complainant.** An individual who is alleged to be the victim of conduct that could constitute sexual harassment irrespective of whether a formal complaint has been filed.

**Consent.** 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. Consent must be knowing and voluntary. To give consent, a person must be of legal age. Assent does not constitute consent if obtained through coercion or from an individual whom respondent knows, or reasonably should know, is Incapacitated. The responsibility of obtaining consent rests with the person initiating sexual activity. Use of alcohol or drugs does not diminish one's responsibility to obtain consent. 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. 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.

**Decision Maker.** The individual or the panel that makes the decisions regarding the outcome of a hearing. Makes determination regarding relevancy of questions in cross-examination. Writes and issues the written decision letter.

**Incapacitation.** An individual is considered to be incapacitated if, by reason of mental or

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physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Being drunk or intoxicated can lead to incapacitation; however, someone who is drunk or intoxicated is not necessarily incapacitated, as incapacitation is a state beyond drunkenness or intoxication. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be Incapacitated include, but are not limited to, 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.

**Investigator.** The individual who collects statements and other evidence regarding a Formal Complaint of sexual harassment. The investigator also writes a summary report.

**Parties.** The Complainant(s) and Respondent(s) involved in a Formal Complaint.

**Perpetrator.** An individual found guilty of sexual misconduct.

**Program or Activity.** Includes locations, events or circumstances over which the Recipient exercised substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Recipient.

**Recipient.** An education entity receiving federal funds.

**Remedies.** Restore or preserve equal access to Recipient's education program or activity. Such remedies may include supportive measures; remedies need not be non-disciplinary or non-punitive and need not avoid burdening Respondent.

**Respondent.** An individual whose conduct has been reported that could constitute sexual harassment.

**Retaliation.** Acts or attempted acts for the purpose of interfering with any report, investigation, or proceeding under this Policy, or as retribution or revenge against anyone who has reported Sexual Misconduct or who has participated (or is expected to participate) in any manner in an investigation, or proceeding under this Policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, and discrimination. Title IX prohibits retaliation. For purposes of this Policy, an attempt requires a substantial step towards committing a violation.

**Sexual misconduct.** A sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the consent of the other person(s), or that occurs when the person(s) is unable to give consent or whose consent is coerced or obtained in a fraudulent manner. For the purpose of this Policy, sexual misconduct includes, but is not limited to, sexual assault, sexual abuse, violence of a sexual nature, sexual harassment, quid pro quo harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent of the persons depicted therein, as well as dating violence, domestic violence, and stalking.

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Recipient shall use the federal and state definitions of the following terms when making all decisions regarding sexual misconduct including publication of definitions, disciplinary decisions, Clery reporting decisions, campus climate decisions, and training and prevention decisions. If there are any changes to state and/or federal law, definitions must be amended to reflect any changes to federal and state laws and regulations.

**Dating Violence**, as defined by the Clery Act. Violence including, but not limited to, sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.

**Dating Violence**, as defined by Louisiana law. Includes, but is not limited to, physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. La. RS § 46.2151(C). For purposes of this Section, “dating partner” means any person who is, or has been, in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) The length of the relationship. (2) The type of relationship. (3) The frequency of interaction between the persons involved in the relationship.

**Domestic abuse**, as defined by Louisiana law. Includes, but is not limited to, physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. La. RS 46:2132(3)

**Domestic Violence**, as defined by the Clery Act. Violence, including but not limited to, sexual or physical abuse or the threat of such abuse committed by a current or former spouse or intimate partner or any other person from whom the alleged victim is protected under federal or Louisiana law. A felony or misdemeanor crime of violence committed: By a current or former spouse or intimate partner of the victim;

- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.



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**Family violence**, as defined by Louisiana law. Means any assault, battery, or other physical abuse, which occurs between family or household members who reside together or who formerly resided together. La. RS § 46.2121.1(2)

**Non-Consensual Sexual Contact.** Any intentional sexual touching or attempted sexual touching, without consent.

**Non-Consensual Sexual Intercourse.** Having, or attempting to have, sexual intercourse, cunnilingus, or fellatio without consent. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger, or inanimate object.

**Sexual Assault as defined by the Clery Act.** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.

**Sexual Battery as defined by Louisiana State Law.** Includes any act or offense under the provisions of LSA R.S. 14:41 to 14:43.1.

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

**Sexual Harassment**, as defined by the Department of Education Title IX regulations. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of Recipient conditioning the provision of an aid, benefit, or service of the Recipient on an individual's participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30). For purposes of this Policy, the various forms of prohibited Sexual Harassment are referred to as "Sexual Misconduct."

**Sexually Oriented Criminal Offense.** Any sexual assault offense as defined in La. R.S. 14:41 to 14:43.1

**Stalking, as defined by Clery Act.** Intentional and repeated following or harassing that would cause a reasonable person to feel alarmed or that would cause a reasonable person to suffer emotional distress or Intentional and repeated uninvited presence at another person's home, workplace, school, or any other place which would cause a reasonable person to be alarmed or would cause a reasonable person to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily

injury, sexual assault, kidnapping, or any other statutory criminal act to the victim or any member of the victim's family or any person with whom the victim is acquainted. 34 CFR 668.46(a) (ii)

**Stalking**, as defined by Louisiana State law. Stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include, but not be limited to, the intentional and repeated uninvited presence of the perpetrator at another person'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, sexual assault, kidnaping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted. La. RS § 14:40.2(A) "Harassing" means the repeated pattern of verbal communications or nonverbal behavior without invitation which includes, but is not limited to, making telephone calls, transmitting electronic mail, sending messages via a third party, or sending letters or pictures. "Pattern of conduct" means a series of acts over a period of time, however short, evidencing an intent to inflict a continuity of emotional distress upon the person. Constitutionally protected activity is not included within the meaning of pattern of conduct. La. RS § 14:40.2(C)

**Supportive measures.** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to Recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus and other similar measures.

**Victim.** An individual who, after all due investigation and/or adjudication, has been found to be the target of sexual misconduct.

## Requirements of State Law, Federal Law and Department of Education Regulations

### **Amnesty from Student Discipline for the Reporting Party and Material Witnesses.**

Assisting students who are reporting, or assisting in an investigation of, sexual misconduct is Recipient's primary interest. In order to facilitate reporting, Recipient shall not charge students who, in good faith, report sexual misconduct or serve as material witnesses with Student Code of Conduct violations, for behavior that otherwise would be considered violations (for example consuming alcohol underage or consuming illegal drugs).

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**Campus Climate Survey.** To adequately assess perceptions and behaviors of sexual misconduct on Recipient's campus, Recipient shall administer an anonymous sexual assault campus climate survey to its students once every three years. If the survey is included as a separate component of a broader survey regarding campus safety, the sexual assault component will be clearly identified as such.

**Confidential Advisors.** Recipient has designated trained individuals who shall serve as Confidential Advisors. They shall, to the extent authorized under law, provide confidential services to students.

Confidential Advisors may, as appropriate, serve as a liaison between an alleged victim and Recipient or local law enforcement when directed to do so in writing by an alleged victim who has been fully and accurately informed about what procedures shall occur if information is shared, and assist an alleged victim in contacting and reporting to a responsible employee or local law enforcement.

The Confidential Advisor shall be authorized to liaise with appropriate staff and Recipient to arrange supportive measures, as defined hereinabove. Requests to a Confidential Advisor for supportive measures shall not trigger an investigation by Recipient.

The Confidential Advisor shall be authorized to accompany the alleged victim, when requested to do so by the alleged victim, to interviews and other proceedings of a campus investigation and institutional disciplinary proceeding.

The Confidential Advisor is authorized to advise the alleged victim of, and provide written information regarding, both the alleged victim's rights and the Recipient's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a court of competent jurisdiction or by Recipient. The Confidential Advisor is not obligated to report crimes to Recipient or law enforcement in a way that identifies an alleged victim or an accused individual, unless otherwise required to do so by law.

Confidential Advisors shall complete online training developed by the Attorney General in collaboration with the Board of Regents. In the event updated and relevant training from the Attorney General and the Board of Regents are not available, Recipient will make available and document receipt of a comprehensive description of the role, responsibility, and duties of the confidential advisor.

**Confidential Advisors for Recipient are:**

Peter Emerson, [slucc@southeastern.edu](mailto:slucc@southeastern.edu)

Annette Baldwin-Newton, [slucc@southeastern.edu](mailto:slucc@southeastern.edu)

Paige Moody, [slucc@southeastern.edu](mailto:slucc@southeastern.edu)

Courtney Williams, slucc@southeastern.edu

Marcela Spicuzza, slucc@southeastern.edu

Wes Errington, slucc@southeastern.edu

Their offices are located in The University Counseling Center, which is located at:

303 A Union Ave.

Student Union Annex

Hammond, LA 70402

Coordination with the City of Hammond Police Department and the 21st Judicial District Attorney's Office. Recipient maintains Memoranda of Understanding with the City of Hammond Police Department and the 21st Judicial District Attorney's Office Rape Crisis Program regarding the coordination of its efforts with said agencies to clearly delineate responsibilities and share information in accordance with applicable federal and state confidentiality laws including, but not limited to, trends about sexually-oriented criminal offenses occurring against students of Recipient and joint or shared trauma informed training specific to assisting sexual assault victims.

**Freedom of Speech.** This Policy & Procedures will be implemented in a manner that does not infringe upon anyone's First Amendment Rights.

**Institutional Task Force.** The Campus Assault Response and Education (C.A.R.E.) Team is a standing committee responsible for coordinating Recipient's sexual misconduct education and prevention programs. Members include representatives from the University Counseling Center, University Housing, Student Engagement, Student Health Services, Advocacy & Accountability, The University Police Department, Athletics, Student Government, Human Resources, the Title IX Officer, the Title IX Deputy Officer, and other individuals deemed important by the University President.

## Medical and Counseling Resources

- The National Sexual Assault Telephone Hotline

If you need immediate help, call 800.656.HOPE (4673) to be connected with a trained staff member from a sexual assault service provider in your area.

- RAINN Online Chat Information

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Visit [online.rainn.org](http://online.rainn.org) to chat one on one with a trained support specialist with RAINN (Rape, Abuse, & Incest National Network) anytime 24/7.

- **Medical Information**

The hospital nearest to Recipient where a victim may have a rape kit administered by an individual trained in sexual assault forensic medical examination and evidence collection is North Oaks Medical Center located at 15790 Paul Vega, M.D. Drive, Hammond, LA. Information regarding transportation to North Oaks can be obtained by contacting the University Counseling Center (549-3894) located in the first floor of Pride Hall.

**Preservation of Evidence.** Preservation of evidence is critical in instances of sexual misconduct. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence (which may be necessary to prove sexual misconduct or to obtain a judicial order of protection), the support of crisis counseling, and immediate police response

**Prevention and Awareness Programs.** Recipient annually offers education and prevention programs that include, but are not limited to: (a) awareness programs; (b) bystander intervention programs; (c) ongoing prevention and awareness campaigns; (d) primary prevention programs; and (e) education on risk reduction.

**Awareness Programs.** Awareness programs consist of community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce sexual misconduct.

**Bystander Intervention.** Bystander intervention consists of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. It also includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

**Ongoing Prevention and Awareness Campaigns.** Ongoing prevention and awareness campaigns consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing, dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

**Primary Prevention Programs.** Primary prevention programs consist of initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

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**Risk Reduction.** Risk reduction consists of options designed to decrease perpetration and bystander inaction and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence. Additional options may include designation and publication of “red zones” (i.e., times and places of high incidence of crimes, including sexual violence).

Generally, Recipient must offer education and prevention programs to all students during their first semester of enrollment and on an ongoing basis throughout their enrollment. Programs shall cover (1) statements that Recipient prohibits all forms of Sexual Misconduct, as defined by this Policy, and the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined by federal law; (2) the definitions of dating violence, domestic violence, sexual assault, and stalking under state law; (3) the definition of “Consent,” as provided in this Policy; (4) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or to intervene when there is a real or perceived risk of dating violence, domestic violence, sexual assault, or stalking against a person other than the individual; (5) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; (6) information about the procedures that complainants should follow, and that

Recipient will follow, after an incident of dating violence, domestic violence, sexual assault, or stalking has occurred; and (7) any other content or resources that support prevention and reduction of sexual misconduct.

## **The Process of Investigation and Adjudication of the Criminal Justice System.**

For useful information, concerning what to expect should you choose to pursue the criminal court process RAINN (Rape, Abuse & Incest National Network) provides useful information. Log on to [www.rainn.org/get-info/legal-information/working-with-the-criminal-justice-system](http://www.rainn.org/get-info/legal-information/working-with-the-criminal-justice-system)

For information regarding programs offered by the District Attorney’s Office for the 21st Judicial District Court dealing with Victim’s Assistance, Rape Crisis and Domestic Violence log on to [www.21jdda.org](http://www.21jdda.org)

**Retaliation.** Retaliation against an individual for making a good faith complaint of unlawful discrimination, harassment or other unlawful practice, or for using or participating in the complaint process, is a violation of Recipient’s policy and is strictly prohibited. Employees or students making a sexual misconduct report or complaint, or assisting in the investigation of such a complaint, will not be adversely affected in terms and conditions of employment and/or academic standing nor discriminated against, terminated, or expelled because of the complaint. More about the University’s retaliation policy can be found at <http://www.southeastern.edu/resources/policies/assets/retaliation.pdf>.

**Training.** Title IX Coordinators, investigators, decision makers, confidential advisors, and any person who facilitates an informal resolution process, shall receive training on sexual harassment as defined by this policy, the scope of Recipient’s education program or activity, how to conduct an investigation and the grievance process.

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Decision makers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators shall receive training on issues of relevance and how to create an investigative report that fairly summarizes relevant evidence.

Annual training should occur at new employee orientations and at the beginning of each academic year.

Recipient is required to provide an annual training report to the University of Louisiana System on July 1 every year. The report shall include a (1) list of all university employees who received training, (2) the type of training provided; and (3) the date the training was completed.

Training materials shall be made available on Recipient's website.

**Transfer Policy.** The transcript of a student who has been accused of a sexually oriented criminal offense and withdraws pending disciplinary action shall be withheld until investigation and adjudication of the matter by the institution is completed.

## Policy & Procedure

If a complainant chooses to informally bring allegations, they may bring the matter to any of the individuals designated hereinbelow under the section "Reporting Options." If the person to whom harassment normally would be reported is the individual accused of misconduct, reports may be made to another manager, supervisor, or designated employee or directly to the Title IX Coordinator or the Deputy Title IX Coordinator.

All Recipient employees are mandatory reporters, with the exception of confidential advisors and those employees deemed exempt by Recipient (e.g. employees of the Physical Plant). Should any mandatory reporter observe, encounter, or learn of conduct that may be in violation of this policy, said individual must report that conduct to either the Title IX Coordinator or the Deputy Title IX Coordinator. This includes conduct by employees, students, or third parties.

Reports of sexual misconduct should be brought forward as soon as possible after the alleged conduct occurs. While there is no stated period for reporting prompt reporting will better enable the University to respond to the report, determine the issues, and provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delaying a report may impede Recipient's ability to conduct an investigation and/or to take appropriate remedial actions.

**Reporting Options.** If an individual chooses to informally bring allegations, complainant must be notified of the right to, at any time, pursue a formal complaint and/or take legal action.

A "Formal Complaint" is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Recipient investigate the allegation of sexual harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in, the education program or activity of Recipient.



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A Formal Complaint can be filed by a third party, such as a parent or guardian, on behalf of a Complainant.

Recipient maintains an online reporting system to collect anonymous disclosures of crimes and track patterns of crimes on campus. An individual may submit a confidential report about a specific crime to Recipient using the online reporting system. Said system includes information regarding how to report a crime to a responsible employee and/or law enforcement as well as how to contact a Confidential Advisor.

Individuals are encouraged to report to any of the sources below. Recipient supports, encourages and will assist those who have been the victim of alleged sexual misconduct to report the incident to any individual or entity listed below:

University Police Department. Complainant may report an incident of sexual misconduct directly with Recipient's University Police Department by dialing (985) 549-2222 or by visiting the department at its campus office located in Pride Hall, 1301 SGA Drive. Reporting to such officials helps protect others from future victimization; apprehend the Respondent; and maintain future options regarding criminal prosecution, Recipient disciplinary action and/or civil action against the respondent. A Complainant may request that his or her identity be kept confidential when reporting sexual harassment to a sworn peace officer. Filing a police report does not obligate the Complainant to continue with criminal proceedings or disciplinary action.

Title IX Coordinator & Deputy Title IX Coordinator. Any incident of sexual harassment can be brought to the attention of the Title IX Coordinator or the Deputy Title IX Coordinator. Although Recipient strongly encourages reporting sexual harassment to the police, Complainant may request administrative action by the Title IX Coordinator or the Deputy Title IX Coordinator with or without filing a police report.

The Title IX Coordinator and his contact information is as follows:

Gene Pregeant

Rm. 120 Dyson Hall

Telephone number: 985/549-5888

Email address: [gpregeant@selu.edu](mailto:gpregeant@selu.edu)

The Title IX Deputy Coordinator and his contact information is as follows:

Dr. Gabe Willis

Rm. 1301 Student Union

Telephone number: 985/549-3792

Email address; deanofstudents@southeastern.edu



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The Office of Advocacy & Accountability. A Complainant may request disciplinary action by the Office of Advocacy & Accountability with or without filing a police report. A complaint can be filed with the Office of Advocacy & Accountability by dialing (985) 549-2213, reporting it at [www.southeastern.edu/reportit](http://www.southeastern.edu/reportit), or at the campus office, located in Room 207 Mims Hall. The Director of the Office of Advocacy & Accountability is Curtis Meyers. The Office of Advocacy & Accountability may impose interim actions such as a no contact order or an interim suspension from school and/or removal from an activity to protect the safety of the victim. Prior to an emergency suspension/removal, Recipient must undertake an individualized safety and risk analysis to determine if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies suspension/removal. Further Recipient must provide Respondent with notice and an opportunity to challenge the decision immediately following the suspension/removal.

Human Resources. A complaint of sexual harassment when an employee of Recipient is the Respondent may be brought to Tara Dupre, Human Resource Director, Human Resources Department, 900 D West University Avenue, North Campus, who will promptly inform the Title IX Officer of the complaint. Human Resources can be contacted by dialing (985) 549-2001 or by email, [tara.dupre@selu.edu](mailto:tara.dupre@selu.edu)

**Responsible Employee.** An individual may report alleged sexual misconduct to all employees designated as Responsible Employees. Responsible Employees shall include all of the individuals described hereinabove as well as all other administrators, unclassified staff, faculty, and resident assistants. Responsible Employees must report the incident to the Title IX Officer or the Deputy Title IX Officer. Employees with confidentiality obligations as described herein below are not Responsible Employees.

**Anonymous Reports.** Anonymous reports can be made at [http://www.southeastern.edu/admin/police/anonymous\\_reporting/index.html](http://www.southeastern.edu/admin/police/anonymous_reporting/index.html). Individuals who choose to file anonymous reports are advised that it may be very difficult for the University to follow up and/or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes and shall be forwarded to the Title IX Officer.

**Confidentiality.** Recipient, once in receipt of a report of sexual misconduct, shall take all reasonable measures to protect the privacy of the Complainant and of the Respondent, while promptly investigating and responding to the report. Recipient shall take appropriate action to maintain the confidentiality of the information reported, which information is subject to privacy requirements of the Family Educational Rights and Privacy Act ("FERPA"), while considering its responsibility to provide a safe and non-discriminatory environment for students, including the Complainant.

The Recipient will respect the confidentiality of alleged victims of possible sexual misconduct, consistent with Recipient's legal obligations. Individuals who wish to report or discuss incidents of sexual misconduct should be aware that employees on campus have different reporting responsibilities and different abilities to maintain confidentiality or privacy, depending on their roles at the University.

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Limited Confidentiality of Reports to Employees. When considering reporting options, Complainants should be aware that certain Recipient personnel must maintain strict confidentiality, while others have mandatory reporting and response obligations. Recipient personnel who are Mandatory Reporters and who receive a report of alleged sexual misconduct are required to share the information with appropriate administrative authorities for investigation and follow up. Recipient will protect a Complainant's confidentiality by refusing to disclose his or her information to anyone outside Recipient to the maximum extent permitted by law. As for confidentiality of information within Recipient, Recipient must balance a Complainant's request for confidentiality with its responsibility to provide a safe and non-discriminatory environment for the Recipient community.

Employees Required to Maintain Confidentiality. The following individuals are not required to report information about an incident to the Title IX Officer without a Complainant's permission. Non-reporters include physical and mental health professionals, including licensed counselors who provide mental health counseling to members of the University community and those who act under the supervision of a health care employee. Those offices are:

#### University Counseling Center

Location: 912 N. Oak St.

War Memorial Student Union

303 A Union Avenue

Phone: (985) 549-3894

Fax: (985) 549-5007

Email: [slucc@selu.edu](mailto:slucc@selu.edu)

Website: <http://www.southeastern.edu/admin/counseling/>

#### University Health Center

Location: War Memorial Student Union Annex

303 Union Avenue

Phone: 985-549-2242

Fax: 985-549-2093

Email: [health@selu.edu](mailto:health@selu.edu)

Website: [http://www.southeastern.edu/admin/health\\_ctr/](http://www.southeastern.edu/admin/health_ctr/)

These offices will maintain confidentiality in accordance with the law and their professional rules of conduct. They will assist in a crisis and provide information about possible resources, some

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of which may include law enforcement, medical assistance, psychological counseling, victim advocacy assistance, legal assistance, University disciplinary action, immigration services, and criminal prosecution. They will not reveal the Complainant's identity to anyone without the Complainant's permission except under very limited exceptions (e.g., if an immediate threat to the complainant or others is present, or if the complainant is a minor). Complainants need not reveal their names if calling these individuals for information. These offices are obligated to report complaints to the University Police Department for purposes of the Clery Act but not in a way that identifies an alleged victim or an accused individual unless otherwise required to do so by law.

**Confidentiality Requests and Supportive Measures.** Recipient's inability to take disciplinary action against a Respondent accused of sexual misconduct because of a Complainant's insistence of confidentiality will not restrict the Recipient's ability to provide appropriate supportive measures for the reasonable safety of the Complainant or the Recipient community. Recipient may also use the information as an anonymous report for data collection purposes under the Clery Act.

**Victim Identity Protected from Open Records.** The identity of those complaining of sexual misconduct will be withheld unless mandated by court order or otherwise required to be released by law.

**Investigation Procedures and Protocols Under Title IX.**

**Actual Notice.** The duty to begin an investigation under Title IX is triggered by notice of allegations of sexual harassment to Recipient's Title IX Officer or the Deputy Title IX Officer.

**Assignment.** The Title IX Coordinator and the Deputy Title IX Coordinator will both review the complaint and discuss the matter. An initial determination will be made as to whether reasonable cause exists for moving forward, whether any of the requirements for dismissal of the matter are present, whether the case is suitable for informal resolution, and what appropriate supportive interim measures are warranted. The Title IX Coordinator will assign the matter to an investigator. and advise the Complainant of the name and contact information of that individual. If a student Complainant requests a disciplinary review the Title IX Coordinator may also assign the investigation to the Office of Advocacy & Accountability. The procedures and protocols for the Office of Advocacy & Accountability can be found at [southeastern.edu/code](http://southeastern.edu/code).

**Initial Meeting with Complainant.** As soon as is practicable (but no later than five working days following actual notice), the individual investigating the complaint shall contact the Complainant and schedule an initial meeting. At the initial meeting the Investigator will:

Provide a copy of this policy which explains the process and rights of all parties;

Request additional information regarding the reported incident;

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Explain the investigatory process;

Explain the options for reporting to law enforcement authorities (whether on campus or local police) and the Office of Student Conduct;

Discuss confidentiality standards and concerns with the complainant and advise that confidentiality may impact the University's ability to investigate fully;

Determine whether the Complainant wishes to pursue a resolution (formal or informal) through Recipient and that the decision to begin with an informal resolution does not preclude formal resolution;

Explain to the Complainant the process for filing a formal complaint;

Refer the Complainant, as appropriate, to the Counseling Center or other resources which may include law enforcement, medical assistance, psychological counseling, victim advocacy resources, legal resources, University disciplinary action, immigration services, and criminal prosecution; and,

Inform the Complainant that they have the right to utilize a Confidential Advisor and/or any other Advisor of their choosing throughout the process;

Discuss with the Complainant, as appropriate, possible supportive measures as defined hereinabove and explain that these can be offered with or without the filing of a Formal Complaint;

If the Respondent is a student, the Office of Advocacy & Accountability may impose interim supportive measures such as a no contact order or an interim suspension from school/removal from an activity to protect the safety of the Complainant. Prior to an emergency suspension/removal, Recipient must undertake an individualized safety and risk analysis to determine if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies suspension/removal. Further Recipient must provide the Respondent with notice and an opportunity to challenge the decision immediately following the suspension/removal. The Office of Advocacy & Accountability extends additional rights in disciplinary procedures to victims of Sexual Harassment which can be found at [southeastern.edu/code](http://southeastern.edu/code).

If the Respondent is a member of the Recipient's faculty or staff supportive measures provided by Recipient may include modification of work schedules, campus escorts services, mutual restrictions on contact between parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Formal Complaint Signed by the Title IX Coordinator. In the event that a Complainant ultimately requests that Recipient not investigate a potential Title IX violation, that request should be respected unless the Title IX Coordinator determines that signing a Formal Complaint to initiate an investigation is not clearly unreasonable in light of the known circumstances.

Informal Resolution. A process of informal resolution, where appropriate, may be utilized at any point prior to reaching a determination of responsibility as long as the following requirements are met

A Formal Complaint has been filed.

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Respondent is not an employee.

The facilitator is adequately trained

All parties provide voluntary, written consent to the process.

All parties are provided with a written notice that includes:

The allegations

The requirements of the process, including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations

The requirement that either party prior to agreeing to a resolution, has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

The consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Recipient may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints. Likewise, Recipient may not require the parties to participate in an informal resolution process.

Dismissal of Formal Complaint Prior to Full Resolution. If the conduct alleged in the Formal Complaint does not constitute sexual harassment as defined in this policy (even if proved), if it did not occur in Recipient's education program or activity, or it did not occur against a person in the United States, Recipient must dismiss the Formal Complaint with regard to that conduct. Such dismissal does not preclude action under another provision of the Recipient's Code of Conduct or applicable employment policy.

Recipient may dismiss the Formal Complaint, or any allegations therein, if at any time during the investigation or hearing Complainant notifies the Title IX Coordinator of the Deputy Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein.

Recipient may dismiss the Formal Complaint, or any allegations therein, if the Respondent is no longer enrolled or employed by the Recipient.

Recipient may dismiss the Formal Complaint, or any allegations therein, if specific circumstances prevent Recipient from gathering evidence sufficient or reach a determination as to the Formal Complaint or any allegations therein.

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In the event a complaint is dismissed, Recipient will immediately send written notice of the dismissal and reasons therefore simultaneously to the Complainant and the Respondent.

Notice of Allegations to Complainant and Respondent. Within ten working days after the initial meeting with Complainant, the Investigator will provide Complainant and Respondent written notice of the following:

A copy of Recipient's grievance process including any informal resolution process;

The allegations of sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Such details should include:

The identities of the parties involved (if known).

The specific section(s) of the policy alleged to have been violated.

The conduct that would be considered sexual harassment.

The date of the incident.

The location of the incident.

A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is only made at the conclusion of the grievance process

That Complainant and Respondent both have the right to inspect and review evidence

That both parties have the right to an advisor of their choice. That advisor may, but is not required to be, an attorney.

That at any proceeding, if a party is without an advisor, one will be provided at no cost to the party.

That advisors may be present during any stage of the process, including all meetings, interviews, and proceedings.

That restrictions regarding the extent to which the advisors may participate in the proceedings are allowed, as long as the restrictions apply equally to all parties.

That advisors will cross examine opposing parties during the live hearing.

That the Code of Student Conduct provides that it is a violation for a student to knowingly make false statements or knowingly submitting false information during the grievance process.

That all parties, as well as all others whose participation in the grievance process is invited or expected, shall be provided with written notice of the date, time, location, participants, and the purpose of all hearings, investigative interviews or other meetings, with sufficient time for preparation to participate.

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That if, in the course of an investigation, Recipient decides to investigate allegations about the Complainant or Respondent that are not included in the original notice, Recipient must provide notice of the additional allegations to all parties whose identities are known.

**Consolidation of Formal Complaints.** Recipient may consolidate Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

**Investigation Time Frame.** The investigation should begin within five working days of the notice to the Respondent and a report (as described in section m below) must be prepared and shared with all parties within a reasonable time frame, preferably no longer than ten working days from the day the investigation began.

**Equitable Treatment.** Investigator will remain neutral throughout the investigation and provide both Complainant and Respondent opportunities to respond in person and in writing, to submit relevant documents, and to produce relevant witnesses. Both parties shall also be afforded simultaneous notices of the opportunity to have a representative or advisor present at all meetings, and the ability to inspect any information that will be used after the investigation during informal and formal disciplinary meetings. At no time will either party be offered mediation as an option to resolve a sexual misconduct case that involves violent or criminal conduct.

**Gathering Evidence.** The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests with Recipient.

Recipient cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to party, unless Recipient obtains that party's voluntary written consent.

Recipient must provide an equal opportunity for the parties to produce witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.



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Recipient shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

Right to Inspect, Review, Access, and Respond to Evidence. All parties shall be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including evidence upon which Recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source.

After said review, parties shall have ten working days to submit a written response to said evidence, which the Investigator will consider prior to completion of the report.

Recipient must make all such evidence available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross examination.

Report of Investigation. No later than ten days following the completion of the investigation, the Investigator will complete a written investigative report that includes summaries of interviews conducted; photographs, if any; documents and materials received; descriptions of relevant evidence; summaries of relevant electronic records; and a detailed report of the events related to the incident.

At least ten working days prior to a hearing on the determination regarding responsibility, the report shall be sent (via hard copy or electronic format) to each party and each party's advisor.

Live Hearing. Recipient's Title IX grievance process shall provide for a live hearing. The hearing may be conducted with all parties physically present in the same geographic location, or, at Recipient's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

All parties shall be notified of the details of the hearing, including date, time, location, participants, and purpose. Said notice shall be provided ten working days prior to the hearing, and whether the matter will be decided by an individual or a panel.

Recipient shall create an audio, audiovisual recording, or transcript, of the hearing and make it available to all parties for inspection and review.



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If a party does not have an advisor present at the hearing, Recipient must provide, without fee or charge to that party, an advisor of Recipient's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Each party's advisors shall be permitted to ask the other party and any witnesses all relevant questions and follow up questions, including those challenging credibility.

Questions must be first evaluated by the Decision-Maker(s) for relevance before being allowed, and any questions rejected will be explained on the record.

While Recipient might otherwise restrict the participation of advisors, cross-examination must be conducted directly, orally, and in real time by the advisors and never be a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness.

**Rape Shield.** Questions and evidence about Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than Respondent committed the conduct alleged by Complainant, or if the questions and evidence concern specific incidents of Complainant's prior sexual behavior with respect to Respondent and are offered to prove consent.

**Refusal to Submit to Cross Examination.** If a party or witness does not submit to cross-examination at the live hearing, the Decision-Maker(s) shall not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided however, that the Decision-Maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination of other questions.

**Standard of Evidence.** Recipient shall apply the "preponderance of the evidence" standard for finding responsibility in all Title IX cases.

**Determination of Responsibility.** A written finding by the Decision-Maker(s) is required following the hearing. This report shall include:

All of the allegations which potentially constituted sexual harassment.

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A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.

Findings of fact supporting the determination.

Conclusions regarding the application of the particular section of Recipient's Code of Conduct to the facts (if Respondent is a student) or regarding applicable employment policies (if Respondent is an employee).

A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions Recipient imposes on Respondent, and whether remedies designed to restore or preserve equal access to Recipient's education program or activity will be provided to Complainant.

All parties shall be notified of the Determination simultaneously.

Proceedings and grounds for appeal.

Sanctions. In the event of a disciplinary proceeding, both Complainant and Respondent will be informed in writing of the results of any disciplinary proceedings no later than ten working days after the resolution. If Respondent is found responsible for sexual misconduct, Recipient will initiate a sanctioning process designed to eliminate the misconduct, prevent its recurrence, and remedy its effects, while supporting Recipient's educational mission and Title IX obligations. Sanctions or interventions may also serve to promote safety or deter students and employees from similar future behavior. Some behavior is so harmful to the Recipient's community or so detrimental to the educational process that it may require more serious sanctions or interventions, such as removal from Recipient housing, removal from specific courses or activities, suspension or expulsion from Recipient, or employment discipline/termination. Sanctions or interventions may include, but are not limited to, one or more of the following:

**Formal Reprimand.** A formal notice that Respondent has violated Recipient policy and that future violations may be dealt with more severely.

**Disciplinary Probation.** A designated period of time during which Respondent is not in good standing with Recipient. The terms of probation may involve restrictions of student privileges and/or set specific behavioral expectations.

**Restitution.** Reasonable and limited compensation for loss, damage, or injury to the appropriate party in the form of money or material replacement.

**Restriction from Employment at Recipient.** Prohibition of, termination from, or limitation on Recipient employment.

**Class/Workshop/Training/Program Attendance.** Enrollment in and completion of a class, workshop, training, or program that could help Respondent or the Recipient community.

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University Housing Transfer or Removal. Placement in another room or housing unit or removal from Recipient housing. Housing transfers or removals may be temporary or permanent depending on the circumstances.

Professional Assessment. Completion of a professional assessment that could help Respondent or Recipient ascertain Respondent's ongoing supervision or support needs to successfully participate in Recipient's community.

Removal from Specific Courses or Activities. Suspension or transfer from courses or activities at Recipient for a specified period of time.

No Contact. Restriction from entering specific Recipient areas and/or from all forms of contact with certain persons.

Suspension. Separation from Recipient for a specified period of time or until certain conditions are met.

Expulsion. Permanent separation from Recipient.

Transfer Notification. If a student is found responsible for a sexually-oriented criminal offense upon the completion of such investigation and/or adjudication and seeks to transfer to another institution, Recipient is required to communicate such a violation, when the institution becomes aware of the student's attempt to transfer, with the institution(s) to which the student seeks to transfer or has transferred.

Appeals. Either party may appeal the outcome of the matter except where Respondent has accepted an agreement under the sanctioning process outlined above. The dismissal of a Formal Complaint or any allegations contained therein may also be appealed. Appeals will be conducted in an impartial manner by impartial decision maker.

A review of the matter will be efficient and narrowly tailored. A party may seek review only on the following grounds:

- A procedural irregularity that affected the outcome of the matter;
- There is newly discovered evidence that could affect the outcome of the matter;
- A member of the Title IX personnel involved in the case (the Title IX Coordinator, the Deputy Title IX Coordinator, an investigator, a Decision-Maker, or any individual designated by Recipient to facilitate an informal resolution process) had a conflict of interest or bias; and/or
- The sanctions/interventions are not designed to restore or preserve Complainant's access to Recipient's education program or activity.

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- The sanctions/interventions are inappropriate or disproportionate to the determined violation(s).
  - All other parties shall be notified in writing in the event any party files an appeal. Parties shall be given a reasonable opportunity to submit a written statement in support of, or challenging, the outcome.

In cases involving student Respondents adjudicated by the Office of Advocacy and Accountability a party may appeal a decision based on the appeals procedures outlined in the Student Code of Conduct which can be found at [www.southeastern.edu/code](http://www.southeastern.edu/code). In such cases, the Code of Conduct requires that the appealing party must file an appeal with the Vice-President for Student Affairs, within ten working days of notification of the decision. Within ten working days, the Vice-President's decision will be made available to the participating parties, in writing, simultaneously. The Vice-President's decision shall be final and unreviewable except in the event of a sanction of expulsion or suspension for a period of one year or longer for the Respondent, in which event the Respondent may appeal to the President. Such appeal must be made within ten working days of notification of the Vice-President's decision. Within ten working days, the President's final and unreviewable decision will be made available to the participating parties, in writing, simultaneously.

In cases involving employee Respondents, a party may submit a written appeal to Recipient's President within ten working days of the date of the notification of the decision. Within ten working days, the President's final and unreviewable decision will be made available to the participating parties, in writing, simultaneously.

**Delays/Extensions.** In the event that there is a legitimate good cause need for a delay or a limited extension of time at any stage in the Title IX proceedings (whether at the request of any official or party), Recipient shall notify in writing all parties of the rationale for the delay or extension as well as the new timeframe. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

**Prohibition on Dual Roles.** No individual can serve in more than one role in any investigation – the Title IX team members, specifically the Investigator(s), Decision-Maker(s), appeals officer(s), coordinator(s), and advisor(s) must all be different officials.

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Bias or Conflicts of Interest. When making decisions regarding the selection of all Title IX team members in each case, Recipient must vet all of the potential members to ensure that none of them have a bias or conflict of interest regarding any party to the proceeding. If an official believes that they cannot serve for one of these reasons they may recuse themselves from the proceeding. In the event that a party believes that any official may have a bias or conflict of interest the party may challenge that official. Said challenge would be made to the Deputy Title IX Coordinator unless that individual is the subject of the challenge, in which event the challenge would be made to the Chief Title IX Coordinator. After a review of the challenge, if found meritorious, the individual will be replaced.

Recordkeeping. Recipient must maintain records for seven years. Records that must be maintained include supportive measures, investigative reports, hearing outcome, hearing media files or transcripts, sanctions, remedies, appeal, and informal resolutions.

Title IX Regulations mandates the public sharing of materials used to train school and college Title IX team members. The following link is to training materials provided by ATIXA, which were utilized by certain members of Recipient's Title IX team.

<https://atixa.org/2020-regulations-requirement-posting-of-training-materials/>

### **ATIXA's Mission Statement provides:**

ATIXA provides a professional association for school and college Title IX Coordinators, investigators, and administrators who are interested in serving their districts and campuses more effectively. Since 1972, Title IX has proved to be an increasingly powerful leveling tool, helping to advance gender equity in schools and colleges. Title IX's benefits can be found in promoting equity in academics and athletics programs, preventing hostile environments on the basis of sex, prohibiting sexual harassment and sexual violence, protecting from retaliation and remedying the effects of other gender-based forms of discrimination. Every school district and college in the United States is required to have a Title IX Coordinator who oversees implementation, training, and compliance with Title IX. ATIXA brings campus and district Title IX coordinators, investigators, and administrators into professional collaboration to explore best practices, establish industry standards, share resources, empower the profession, and advance the worthy goal of gender equity in education.

Other members of Recipient's Title IX team received training through Thompson Coburn's Higher Education Practice. The link to that training follows:

<https://www.thompsoncoburn.com>

To assist institutions of higher education working to comply with the new regulations, Thompson Coburn, a nation-wide law firm with 380 attorneys and a higher education practice, has created a free, online lecture series that provides foundational training for those individuals who will be administering the new Title IX process this fall, including Title IX coordinators, investigators, advisors, hearing officers and appeal officers

## The Clery Act

According to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), institutions which participate in Federal student financial aid programs are required to provide information to the public regarding campus safety and security policies and procedures. Statistics regarding crimes related to their campuses must also be reported. The definition set used for this format is according to the FBI Uniform Crime Reporting (UCR)/National Incident-Based Reporting System (NIBRS). Southeastern Louisiana University is dedicated to providing a safe, secure and crime free environment for students, faculty, staff and visitors to our Hammond Campus, Baton Rouge Nursing Center, and Livingston Parish Literacy and Technology Center. Many individuals and departments are involved in campus safety and security. This information can help keep you and others safe at Southeastern. At Southeastern Louisiana University, we endeavor to consistently provide accurate information to our community regarding the safety of our campus. In furtherance of these efforts, we make our policies, procedures, and statistics available electronically on this site (links below). These documents are in .pdf format for easy printing and saving, in case you would like your own copy. You may also contact the University Police Department and request a printed copy.

[http://www.southeastern.edu/admin/police/clery/security\\_fire\\_reports/annual\\_reports](http://www.southeastern.edu/admin/police/clery/security_fire_reports/annual_reports)

## Avoiding Unintended Pregnancy During College

This information provided in accordance with ACT 321 - SB 106 effective June 2017. All public postsecondary institutions are required to address the prevention of unplanned pregnancies among unmarried college students as a part of freshmen orientation.

Less than 1 in 10 students with children complete a bachelor's degree within 6 years of college entry.

61% of women who have children after enrolling in community college fail to finish their degree, which is 65% higher than the rate for those who don't have children.

Over a quarter (26%) of all undergraduate students, or 4.8 million students are raising dependent children.

The unintended pregnancy rates in Louisiana are among the highest in the U.S.

95% of unintended pregnancies occur when partners do not use any contraception or use contraception incorrectly.

Abstinence is the only 100% effective method of preventing pregnancy BUT when used correctly there are several contraceptive methods that are extremely effective.

**The University Health Center provides contraceptive therapy and prescriptions. Make an appointment online for your contraceptive needs. Free condoms are always available.**

For more information, visit: [southeastern.edu/health](http://southeastern.edu/health)