The Tulane University
Code of Student Conduct

Office of Student Conduct
Division of Student Affairs
2019-2020
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THE TULANE UNIVERSITY CODE

I. PREAMBLE AND THE SEVEN CORE VALUES

Welcome to Tulane University! We share a common goal—working to make the most of your educational experience. Our long history of delivering a world class liberal arts education to a diverse and multicultural student body in the heart of America’s most vibrant cultural city has taught us that the best way to assist students in their learning process is with a managed educational experience. Your learning experience at Tulane will be more than attending classes taught by dedicated instructors; your learning experience will be immersive and holistic, with learning opportunities inside and outside the classroom.

We will be here to facilitate your learning process in a variety of ways, including asserting the University’s expectations of your time in this educational community. Tulane’s expectations are encapsulated in this code. We will expect you to take primary responsibility for your well-being and educational growth. And though we may be engaged actively in your learning experience, we will not make choices for you or assume your responsibilities, as this is how you learn.

The Tulane University educational experience is a voluntary educational community. As willing participants in our community, we rely on your best efforts. We expect you to accept the core values of our community. All of our values, policies and rules are connected to, and support, our academic mission.

The Tulane University Division of Student Affairs embraces Seven Core Values:

1. Live in Community
2. Lead Lives of Integrity
3. Model Inclusive Excellence
4. Educate the Whole Person
5. Be Person-Centered
6. Encourage Creativity and Innovation
7. Commit to Healthy Living

We rely upon the Seven Core Values in our educational interventions. Our Seven Core Values are not mere platitudes. We utilize them in the administration and functioning of the Tulane Code to facilitate your learning process. The Seven Core Values will also guide you in your decision-making. We expect members of the Tulane community to understand and accept the rules of the Tulane Code and the Seven Core Values. Even when there is no clear rule for
behavior, we expect community members to act in accordance with our Seven Core Values: Remember that the absence of a rule never justifies poor decision-making.

In addition to our Seven Core Values, members of the Tulane University community believe deeply in respect for the rule of law. Respect for the rule of law includes respecting the important space the law carves out for educational interactions without excessive external interference. We are not a court system nor will we behave like one. Some of our standards, principles, and practices have similarities to the legal system—and sometimes the law actually dictates what we must do and say—but legal mandates exist in the Tulane Code for educational purposes.

Our relationship with students is fundamentally aspirational and emergent—we seek to work together to create positive educational experiences for the members of our educational community. Our motto “non sibi sed suis”—Latin meaning “not for one’s self but for one’s own”—inspires us to this goal. As such, what you will learn from your Tulane University experience depends upon what you put into it, how you treat others, and how faithfully you adhere to our shared core values and the rules that flow from those values.

The Tulane Code is a pillar of the educational systems we use to guide and manage the learning experience, and is a living document. Our Code operates through the people who administer it, and you! This is your Code and we expect you to operate in accordance with the Code without intervention by us. Most times, Tulane students follow the Code without any intervention from us. When choices do not align with our Code, we will insist upon accountability. Choices have consequences and we will ask you to accept those consequences. You will note that we highly value candor, respect for our processes, and good faith efforts at constructive self-assessment in the Tulane Code and in our core values.

II. SCOPE OF THE CODE

The Tulane Code applies in and to members of our community broadly. The Code applies to all full and part-time University students, graduate, professional and doctoral students, student employees, and student organizations. A person becomes a student when the person is 'in attendance' at the institution. At Tulane, a student is 'in attendance' when the student has deposited and registered for an academic term. A student is deemed enrolled throughout their time here, including during summer session, study abroad programs, academic and conduct suspensions, and other absences where there is an expectation of continuing progress toward a Tulane University degree.

In certain cases, graduate and professional students, or student organizations may also be held accountable for non-academic misconduct through professional or organizational standards or
codes of ethics. This does not preclude the University from taking action in accordance with the Code of Student Conduct.

The Tulane Code applies on and off campus. It also applies to on-line and electronic domains. Tulane University may choose to apply the Tulane Code at any time and in any context in which the University has an identifiable interest. The Director of Student Conduct or designee has discretion, subject to discretionary review by the Vice President for Student Affairs, to determine the jurisdiction and parameters of the Code.

III. COMMUNICATION, AND RESPECTFUL AND MEANINGFUL PARTICIPATION

The official mode of communication at Tulane University is via email at your Tulane University account. In order for us to remain in contact with each other, all members of the community are expected to use due diligence in maintaining and checking their accounts for messages, normally on a daily basis. Failure to do so may result in adverse consequences. Members of the Tulane University community are expected to participate, when asked to do so by the University, in proceedings associated with this Code and to do so in a respectful and meaningful way. We welcome vigorous disagreement in our community; some educational conversations are challenging. However, contempt for Tulane University Code process, the administrators who operate that process, or individuals involved in the process shows lack of congruence with our core values.

IV. TIMEFRAMES

Consistent with the goal to maximize educational opportunities, Tulane University will seek to resolve all disputes under this Code promptly and equitably—usually within no more than one academic semester, depending on when a matter is brought to the attention of the University. Special timeframes apply to incidents involving discrimination; for example, matters involving Title IX often resolve in 60 (sixty) days or less. For purposes of resolving disputes under this Code, a “day” is defined as a “business day.” Business days do not include weekends or holidays.

Time frames may be extended as necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate delays, account for University breaks or vacations, or address other legitimate reasons, including the complexity of an investigation (including the number of witnesses and volume of information to be considered) and the severity and extent of the alleged conduct. Best efforts will be made to complete the process in a timely manner by
balancing the need for thoroughness, fundamental fairness, and promptness.

V. ADVISORS

Students, or student organizations, may choose to bring one advisor with them when engaging in any of the following processes. In issues involving sexual and/or gender-based harassment and violence, this advisor may be anyone of the student’s or organization’s choosing, including an attorney. In all other cases, this advisor must be a current faculty, staff, or student from within the Tulane community. For organizations, this would include advisors to their organizations. The role of this advisor is to assist the student or organization in reflecting on their choices and to assist with the learning process. Advisors may not speak on behalf of the student or organization and may not take an active role in educational conferences, administrative hearings, student hearing panels, or investigations.

VI. PROCESS

The Tulane Code relies heavily upon educational conferences but utilizes other processes as well. Gatekeepers, described below in Subsection (a), play an important role in determining the pathway for educational interventions, including whether a matter proceeds to an educational conference, administrative hearing, student hearing panel or investigation. Investigations take place when major transgression of Tulane University rules may have occurred—matters involving discrimination against a protected class, and matters that may result in expulsion, suspension, or revocation of a degree or recognition of a group. Major matters involve the potential that Tulane University will exercise its rights to terminate or suspend the voluntary association with an individual or group. Major matters may also involve serious, long-term, adverse consequences for an individual or group. Tulane University uses an investigative procedure administered by trained professionals, subject to substantial review and specified rights to appeal. This process is described in Subsection (e).

A. Gatekeepers

When a situation comes to the attention of the Director of Student Conduct, the Director of Student Conduct may determine if a situation is properly handled by the individual student conduct process or the organizational conduct process. To determine where a situation involving the individual student conduct process travels from initial notice, the Director of Student Conduct may consult with the Title IX Coordinator and/or the Office of Institutional Equity to determine whether the matter should proceed to an educational conference or move directly to an administrative hearing, or in situations involving potentially major matters, the investigative procedure. The process is similar
when the organizational conduct process will be initiated. However, in these matters the Director of Student Conduct may consult with the Title IX Coordinator, the Office of Institutional Equity, and/or the Assistant Vice President for Campus Life.

**Minor Matters**
In *minor matters*, the Director of Student Conduct, in consultation with other gatekeepers, as appropriate, may choose to refer a matter to either an administrative hearing in the student conduct process or a student hearing panel in the organizational conduct process. These two processes are described below. Direct referral to either the administrative hearing process or student hearing panel will occur with written notice via email to either the student or the organization respectively. The notice will inform the student or organization of concerns relating to the minor violations of Tulane University rules and will specify the time and date for further proceedings under the administrative hearing process or the student hearing panel process.

**Major Matters**
The Director of Student Conduct, in consultation with the appropriate gatekeepers, may also determine that a situation might potentially be a *major matter*, requiring investigation. *The mere fact that a situation is being referred for investigation does not indicate any determination of transgression of any kind. The investigation process is exactly that—a neutral and fair investigation with no presumptions of wrongdoing.* It will be up to the investigator to make determinations regarding any potential transgressions subject to review and rights to appeal. In addition, no inference of transgression should be inferred from the manner in which individuals choose to frame their situations to an investigator.

**B. Educational Conferences**
The educational conference is an important instructional tool at Tulane University, and students and student organizations should expect to participate in this process. When the University becomes aware of a student who may not be meeting the core values and expectations of a Tulane University student and/or may have violated Tulane Code Rules (excluding sexual assault), the Office of Student Conduct or their designee, often Residence Life or Campus Life, can choose to resolve this concern through an educational conference instead of the more formal resolution process.

The educational conference is an opportunity for a student or organization to discuss critical decisions, options, or to take responsibility for correcting any error in judgment. The educational conference may feature critical examination of a student’s or organizations decision-making and a discussion of choices the student or organization has made. It is also proactive, allowing staff to speak with students about worrisome patterns of behavior or to prevent foreseeable negative outcomes, like discussions of
risk management for events. It can also be an opportunity for students to share concern for other members of the community, to discover resources, to seek mentorship and guidance, and so on.

In addition to the Office of Student Conduct initiating an educational conference, Tulane administrators and faculty may directly request that the Office of Student Conduct have an educational conference about a concern; students and organizations may also request conferences for themselves or for other members of the Tulane community to address concerns or needs. To make a request, please contact the Director of Student Conduct at conduct@tulane.edu. The Director will decide whether an educational conference is appropriate and may consult with the Title IX Coordinator and/or the Office of Institutional Equity, and if the request for an educational conference involves organizational issues, the Director of Student Conduct may additionally consult with the Assistant Vice President for Campus Life. Any decision on whether to have or not have an educational conference is final and unreviewable.

The student or organization is expected to participate fully in the educational conference when asked to do so. Refusal to participate in the educational conference process in whole or in part, may have the significant consequence of triggering other educational interventions, including the potential of referral of a situation to administrative hearing, student hearing panel, or investigation.

There are many potential outcomes in an educational conference. In some situations, a student may be asked to agree to a learning action plan. A learning action plan may feature some of the consequences outlined in the section of this Code designated “Consequences,” other than suspension or expulsion or revocation of recognition of a group. It is the responsibility of the student to complete this learning action plan in the manner and timeframe determined by the conduct officer.

Sometimes during an educational conference it becomes clear that a situation would be better addressed through more formal process, such as an administrative hearing, student hearing panel or investigation. The conduct officer has the discretion to end the educational conference in lieu of these other processes.

**C. Administrative Hearing (Students Only)**

A situation under the student conduct process maybe referred to an administrative hearing, conducted by a single conduct officer. A student will receive notice via email that an administrative hearing will occur, including information as to why the student is being called to an administrative hearing.
The precise functioning of the administrative hearing is in the discretion of the conduct officer, so as to allow sufficient flexibility for the conduct officer to properly assess the situation presented.

The conduct officer will share with the student relevant initiating information such as an incident report or other information that may support a determination that a transgression of the Tulane University code has occurred, so as to offer the students the opportunity to respond and to present relevant witnesses or information. The conduct officer has the discretion to consider what, if any, relevant witnesses or information may be introduced, including the discretion to seek additional information not provided initially or by the student. The conduct officer also has the discretion to determine the weight and sufficiency of the information, and is charged with assessing the credibility of witnesses, if appropriate to do so, in making a determination.

After reviewing all of the evidence, the conduct officer will make a determination regarding whether any transgression of rules has occurred, and if applicable, appropriate consequences. The conduct officer will use the “preponderance of the evidence” standard to determine whether any transgression has occurred. This standard means that there should be a sufficient quantity of information of sufficient quality for the conduct officer to make a responsible educational determination that, more likely than not, any transgression of rules has occurred. In some situations, the preponderance of the evidence standard will be applied in a way that the conduct officer is unable to make a responsible educational determination that any transgression either did or did not occur. This determination may be the result when there is neither sufficient information nor information of sufficient quality to make a responsible educational decision. Students are reminded that this particular determination is not a validation of choices made or not made, and that operating according to the core values of Tulane remains imperative. Tulane University students are also reminded that the conduct officer will not be using standards for the assessment of information that are used in court, such as the “beyond a reasonable doubt standard.” Moreover, because the administrative hearing is not a legal proceeding, rules of evidence such as might be used in court or arbitration are not required. The conduct officer will be evaluating information from an educational perspective in pursuit of Tulane University’s educational goals.

The conduct officer’s determination will be transmitted in writing to the student via email. The determination will include a recitation of whether or not there has been a determination of a transgression and which, if any, of Tulane University rules are implicated, and will also provide information about the consequences for any transgression. The conduct officer however may not assess consequences of expulsion or suspension, or revocation of a degree. If at any time during the administrative hearing process the conduct officer believes that a major violation may have occurred,
the conduct officer will contact the Director of Student Conduct to trigger a gatekeeping assessment of whether the situation should be referred to the investigative process.

In our experience, students often accept the findings and consequences of an administrative hearing and, therefore, the determination of the conduct officer is final. Nothing in this subsection prohibits administrators charged with review responsibilities from reviewing this final determination of the conduct officer, or consulting with the conduct officer.

**D. Student Hearing Panel (Organizations Only)**

Cases which are determined to be minor matters in the gatekeeping process may be referred to a student hearing panel consisting of five members per panel. The five-person panel will select a chairperson for the hearing. The student hearing panel pool will attend regular meetings during the fall and spring semesters and either consider matters referred to panels or continue their training. As part of the educational function of the student hearing panel, student hearing pool members will engage in integrity and ethics programming for student organizations independent of hearings.

After receipt of a referral from the gatekeepers, a written notification of the hearing will be sent to the organization, in care of its leadership as designated by the organization. The notification will include the time, date and location of the hearing and provide information regarding the concerns to be addressed in the hearing. Each organization will have a designee for purposes of receiving notice under the Code.

The student hearing panel will also follow the same procedures as are used in an administrative hearing described above, with the exception that the five-member student hearing panel with a chairperson will make the determinations made by a conduct officer in an administrative hearing.

After hearing relevant information and from relevant witnesses, a majority of the panel may make recommendations regarding transgressions of rules relating to organizations and may also recommend consequences. The chairperson will forward recommendations with a brief description of the proceedings to the Assistant Vice President for Campus Life or designee, who may choose to accept or reject the recommendations regarding transgressions and consequences. The Assistant Vice President for Campus Life or designee reviews the recommendations and consequences from the student hearing panel, and may adjust them before they become final, subject to an organization’s right to appeal as set forth below.

**E. Investigation of Major Matters**
When the gatekeepers have determined that the investigation process should be utilized for individual students or for organizations, the matter will be referred to an investigator by the Director of Student Conduct.

The investigator will issue a notice of investigation to necessary parties/persons. The investigator will also provide necessary individuals and organizations with a written statement regarding their rights and explaining the investigation process.

The investigator will direct the investigation. The investigation is designed to provide a fair and reliable gathering of the facts by a trained and impartial investigator, who will determine consequences, if any. All individuals, including witnesses, will be treated with appropriate sensitivity and respect throughout the investigation. The investigation will safeguard the privacy of the individuals involved in a manner consistent with applicable law and the Tulane Code.

During the investigation, the investigator will provide the individuals a fair and equal opportunity to be heard, opportunities to submit information, and to identify witnesses who may have relevant information. The investigator may speak separately with individuals who are willing to participate and have information relevant to the determination of responsibility. As part of the investigation, the investigator may gather or receive information that is relevant to the determination of appropriate consequences, including information about any impacts on any member of the Tulane community.

The investigator will also gather available physical or documentary evidence, including prior statements, any relevant communications, email messages, social media materials, text messages, and other records as appropriate and available.

In general Tulane University will seek to conclude the investigation within thirty (30) business days from the issuance of the notice of investigation, although special circumstances may extend this time frame. The time frame for completion of the investigation, or any designated time frames of steps in the investigation, may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for Tulane University breaks or vacations, to account for complexities of a case (including the number of witnesses and volume of information provided by the parties), or to address other legitimate reasons as defined by the investigator. Any extension of the timeframes, and the reason for the extension, will be shared with the impacted individuals in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.
Where the University is made aware that there is a concurrent criminal investigation, the gatekeepers, or other individuals as appropriate, will coordinate with law enforcement so that any University processes do not interfere with the integrity or the timing of the law enforcement investigation. At the request of law enforcement, Tulane University may agree to defer the fact-finding portion of its investigation until after the initial stages of a criminal investigation. The Office of Institutional Equity and/or Title IX Coordinator will nevertheless communicate with individuals involved in the investigation regarding resources and accommodations, procedural options, anticipated timing, and the implementation of any necessary interim measures, described later in the Code, for the safety and well-being of all impacted individuals. The investigator will promptly resume fact-gathering as soon as law enforcement has released the case for review following the initial criminal investigation.

All community members, including students, student organizations, faculty and other University employees, are expected to cooperate with the investigation. While students may decline to participate in an investigation, an investigation may potentially proceed in absentia, and students or organizations may receive consequences even if they choose not to participate. In matters involving discrimination against a protected class, the Title IX Coordinator and/or Office of Institutional Equity will consult with the investigator about whether or if to proceed without certain individuals participating. In major matters involving organizations, the investigator is encouraged to consult with the student hearing panel members and the Assistant Vice President for Campus Life.

The investigator has the discretion to determine the relevance of any witness or other evidence to the finding of responsibility, and may exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.

The investigator may also exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. Under this Code, “character evidence” is defined as: information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, qualities, or habits of an individual. Generally, information regarding character is not relevant to the determination of whether there has been a violation of this Code.

Closely related, and certainly involving matters of sexual harassment or sexual assault, a party’s character or reputation with respect to other sexual activity is not relevant and will not be considered as evidence. Similarly, a party’s prior or subsequent sexual activity is typically not relevant and will only be considered as evidence under limited circumstances.
Those circumstances include:

1. **Pattern Evidence.** Evidence of an occurrence or occurrences of sexual or other relevant behavior so distinctive or so closely resembling a version of the facts so as to tend to prove a material fact, including whether consent was sought or given, may be admissible. Where there is evidence of a pattern of similar conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a policy violation by the responding party, this information may be deemed relevant to the determination of policy violation or assigning of a sanction. The determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially similar to the conduct cited in the report or indicates a pattern of behavior and substantial conformity with that pattern. Where there is a prior finding of a policy violation by the responding party for a similar act of prohibited conduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and assigning of a sanction.

2. **Prior Sexual History Between the Parties.** Where there was a prior or ongoing relationship between the complainant and the responding party, and the responding party asserts that consent was sought and given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in other sections of the policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.

3. **Prior Sexual History with Other Parties.** A party’s sexual history with an individual other than the complainant or responding party may be relevant under very limited circumstances to prove intent, motive, absence of mistake, or to explain an injury or physical finding.

At the discretion of the University, multiple matters may be consolidated in one investigation.

At the conclusion of the investigation, the investigator will prepare a written report that summarizes the information gathered, synthesizes the areas of agreement and disagreement among or between individuals and/or organizations with any supporting information or accounts, and includes an investigative finding regarding whether any rule has been violated. However, before the report is finalized, necessary individuals and/or organizations will be given the opportunity to review a draft of the investigation report, which may be presented in redacted format to protect the privacy rights of individuals involved in the investigation.
Upon receipt of any additional information from individuals and/or organizations involved in the process, or after the five (5) business day comment period has lapsed without comment, the investigator will make a final investigative determination, by a preponderance of the evidence, regarding whether a rule transgression has occurred and will recommend consequences, if any. In reaching these determinations, the investigator may consult with the Office of Institutional Equity, the Title IX Coordinator, and any designated administrator who has information relevant to the investigation. The investigator may also seek information from the Office of Student Conduct regarding prior disciplinary history and Tulane University Police Department regarding prior criminal history.

The complainant and respondent will be provided the opportunity to submit a written Impact Statement. These written Impact Statements will not be considered in the determination of responsibility, but will be provided to the investigator, and at the appropriate stage of the process, to the disciplinary authority or Hearing Panel for consideration in the determination of the sanction and remedy. The Impact Statement may be submitted at any time in the process, provided that it is received no later than five (5) days after the parties have been given notice of the opportunity to review the draft Investigative Report. The parties may submit a supplemental Impact Statement to the disciplinary authority or Hearing Panel if there is a change in circumstances warranting an updated Impact Statement. The Impact Statements will be shared with the parties, and may be redacted at the discretion of the investigator, or in accordance with FERPA.

The investigator may also consider a community Impact Statement as appropriate based on the nature and facts of the circumstances and the extent to which the conduct at issue was directed at and created a hostile environment for community members beyond the Reporting Party. The investigator may limit the submission or use of community Impact Statements.

Individuals will be notified of the final Investigative determination and in writing at the same time, via email. The final investigative determination may be redacted in light of privacy rights of impacted individuals. In determining the appropriate consequences, the investigator shall consider the following factors:

- the nature of any behavior, including violence;
- the impact of behavior on other individuals or groups;
- the impact or implications of the behavior on the community or the University;
- prior transgressions, both at the University or elsewhere, including criminal convictions;
- whether a student or student organization has accepted responsibility for the conduct;
● maintenance of a safe and respectful environment conducive to learning;
● protection of the University community;
● any applicable professional standards of behavior; and,
● any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each matter.

In investigations of major matters of organizational misconduct, the investigator will submit their findings to the Student Hearing Panel described in section IX.D. After reviewing the investigator’s findings and rationale, the panel will recommend consequences for the organization. The chairperson will then forward the investigator’s findings, along with the panel’s recommendations and a brief description of the proceedings to the Assistant Vice President for Campus Life or designee, who may choose to accept or reject the recommendations regarding transgressions and consequences. The Assistant Vice President for Campus Life or designee reviews the recommendations and consequences from the student hearing panel, and may adjust them before they become final, subject to an organization’s right to appeal as set forth below.

**F. Appeals**

Any student or organization found to have transgressed any rules in the Tulane Code has a right to appeal the determination of the transgression and/or consequences delivered for, and only for, specific reasons set forth below. Ordinarily, a student or organization has five (5) days to file an appeal from the delivery of written notice of final outcome from an investigator, conduct officer in an administrative hearing, or the chairperson of a student hearing panel.

For appeals submitted by an individual student, the appellate panel will consist of three members. Panel members will be drawn from the appeal panel pool, which will consist of Tulane faculty, staff, and students who have been trained in the process. Students will not serve on panels in matters relating to Title IX. For appeals submitted by a student organization, the appellate panel will have the same structure as that of the Student Hearing Panel. In this situation, individuals who served on the original hearing panel will not be allowed to serve on the appellate panel for the same case.

A student or organization may petition the appellate panel, as described below, for modification of this time frame in circumstances under 2. below.

1. **Procedural Error**
   Material deviation from procedures that substantially impacted determinations of responsibility or sanctions applied;
2. New and Substantial Evidence

New and substantial evidence appeared that could have not reasonably been discovered before the determination of responsibility was made. The time frame for an appeal from an investigation based on newly discovered information may be extended at the discretion of the Office of Institutional Equity and/or Title IX Coordinator in matters involving discrimination against a protected class where the evidence could not reasonably have been discovered within the time frames of the investigation and compelling justification exists for its consideration. If the appellate panel determines an appeal is warranted on this basis, the matter will be remanded for rehearing. After rehearing, the appellate panel will consider whether the newly discovered information was fully and properly considered, but the appellate panel will not re-hear the matter as if for the first time. If the appellate panel does believe that newly discovered information was fully and properly considered, after so ordering, the appellate panel may take appropriate action, including dismissing a matter or ordering that the matter be reconsidered by the gatekeepers for further action under the Code;

3. Disproportionate Sanctions

Where sanctions are grossly disproportionate to the findings of responsibility.

Any individual or organization may appeal any outcome, for the above referenced reasons, in an administrative hearing, student hearing panel, or investigation in which they were a complainant or respondent. Dissatisfaction with the results of a hearing is not itself a valid basis for appeal. Appeals are also not an occasion to engage in contempt of the conduct process, administrators, or students who participated in Code process.

The appeal must consist of a plain, concise, and complete written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. The appeal must be sent to the Director of Student Conduct via email. Receipt of the written appeal will be acknowledged in writing by the Director of Student Conduct. The appropriate gatekeepers—depending on the process used and issues raised—will then assess the written appeal to determine whether the appeal is timely filed and, if so, whether the appeal is properly framed based on the permissible grounds. If the gatekeepers determine that the appeal does not properly fit within one of the three specific grounds for appeal, the appeal will be denied. If the appeal is properly filed, the appellate panel may offer impacted individuals the opportunity to review the written appeal and offer their perspectives to the appellate panel. Typically, such responses must be submitted to the appellate panel within three (3) business days from being provided the appeal, but the appeals panel may extend this time in its discretion. If multiple individuals appeal, the appeal documents from each party will be considered together in one appeal process. In all appeals, the appellate panel will
presume that decisions were made reasonably and appropriately, unless there is compelling information to the contrary. Appeals are not intended to be a rehearing of the matter. Most appeals consist of a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal. The appellate panel may speak to the investigator, the student hearing panel chair, the conduct officer who conducted an administrative hearing, or any impacted individuals, as appropriate. The appellate panel will alter determinations of transgressions or consequences only where there is manifest error. Depending on the nature of the requested appeal(s), the appellate panel may, by majority vote:

- Affirm the determination of transgressions or consequences in whole or in part;
- Alter the determination of transgressions or consequences in whole or in part;
- Return the matter to the conduct officer or hearing panel with instructions to reconvene to cure a procedural error or reconsider the consequences delivered, or otherwise act in accordance with 2. above. No situation will ever be remanded for reconsideration more than once.

The appellate panel will transmit via email a written decision generally within fifteen (15) business days from the date of the submission of all appeal documents. Appeal decisions are final with the exception of matters that are remanded for further consideration, which may be subject to appeal following the remand.

VI. RULES

A. General Misconduct
The following are examples of misconduct; they are not intended to define misconduct in exhaustive or exclusive terms and should be construed broadly according to the fair import of their terms.

Students or organizations who attempt to commit acts prohibited by the Code may be held responsible to the same extent as students or organizations who actually violate the Code, and accomplices in acts prohibited by the Code may be held responsible as violators. Similarly, a student host or student organization may be held responsible for the violations of the Code by a guest if the host has implicitly or explicitly endorsed the conduct violation of their guest. It is a student host’s or organization’s responsibility to ensure that guests comply with the Code.

The following actions or any actions that violate the principles of the Preamble to this document violate Tulane University standards of conduct and will result in conduct action as described above in VIII. Process.

1. Causing physical harm or reasonable apprehension of physical harm.
2. Interference with any educational process or other University sponsored activities, including material disruptions in the classroom or other learning environments.

3. Use, possession, or storage of any weapon or ammunition, use of an item in a manner that poses a potential hazard to the safety or health of others, and/or violation of the University’s Weapons Policy.

4. Violation of the University’s Tobacco and Smoke Free Community Policy.

5. Unauthorized use and/or possession of any controlled substance or illegal drug.

6. Unauthorized use and/or possession of any drug paraphernalia. The term “drug paraphernalia” broadly includes any material, product, instrument, or item used to create, manufacture, distribute, use, or otherwise manipulate any drug and includes, but is not limited to, pipes, bongs, and hookahs.

7. Distribution or possession for the purpose of distribution of any controlled substance or illegal drug.

8. Use, possession, or distribution of alcoholic beverages in violation of the Tulane University Alcohol & Other Drug Policy.

9. Hazing. Hazing includes, but is not limited to, acts of servitude and/or behavior that humiliates, degrades, embarrasses, harasses or ridicules an individual, or otherwise is harmful or potentially harmful to an individual’s physical, emotional, or psychological well-being, as an actual or apparent condition for initial or continued affiliation with any group. A student or organization violates this standard regardless of either the lack of intent to cause harm or the hazed individual’s own willingness to participate. Unless affirmative steps were taken by the responding student or organization to prevent the hazing behavior, conduct charges may be brought against the group, officers of the group, and members of the group who are deemed to have encouraged the behavior, in addition to any conduct action against persons who engaged in the hazing behavior.

10. Initiating or causing to be initiated a fire, explosion, or other emergency.

11. Initiating or causing to be initiated any false report or warning of fire, explosion or other emergency.

12. Inappropriate use of safety, emergency, or firefighting equipment or any other violation of Tulane’s Fire Safety Procedures.
13. Unauthorized entry or access into University buildings or areas, including construction sites, athletic facilities, student rooms or offices, even if unlocked.

14. Unauthorized use of University facilities, such as spaces or grounds.

15. Unauthorized access or use of computer equipment, networks, software or data, including violation of the Tulane Computer Services policies.

16. Furnishing false information to the University or to a University official.

17. Acts of fraud or attempted fraud, including but not limited to acts of fraud committed by forgery, by alteration or use of University documents, records, or identification, or by other means.

18. Interference with the freedom of expression of others.

19. Theft of property or services or knowing possession of stolen property.

20. Damage to or vandalism of the property of others.

21. Failure to comply with the directions of University officials, including but not limited to campus police officers, acting in the performance of their duties.

22. Harassment, intimidation, or cyberbullying.

23. Lewd or obscene conduct.

24. Disruptive or disorderly conduct.

25. Violation of other University principles, policies, or rules, including but not limited to tailgating or game day policies, policies of the Office of Fraternity & Sorority Programs, policies of the Office of Campus Life, residence hall rules, and rules concerning entry and use of University facilities, sale or consumption of alcoholic beverages, use of vehicles, or misuse of identification cards.

26. Conviction of violation of federal, state, or local laws, when the University has an identifiable interest. This includes, but is not limited to, circumstances in which the imposition of a sentence has been deferred by the court and a court has set the conviction aside and dismissed the prosecution.

27. Joint responsibility, which includes action in collusion with another to violate the Code of Student Conduct or inaction to prevent, or which condones a known, imminent
violation of the Code of Student Conduct.

28. Creating or contributing to behaviors which jeopardize the relationship between the University and the greater community.

29. Discrimination or harassment in employment practices or educational programs/activities on the basis of race, color, sex, religion, national origin, age, disability, genetic information, sexual orientation, gender identity, gender expression, pregnancy, marital status, military status, veteran status, or any other status or classification protected by federal, state or local law.

30. Acts of retaliation, intimidation, coercion against any person or group who is engaged in activity under this Code of Conduct, such as reporting a concern, acting as a witness, or otherwise participating in the investigation process.

31. Sexual Assault

Sexual Assault consists of (a) Sexual Contact and/or (b) Sexual Intercourse that occurs without (c) Affirmative Consent.

a. Sexual Contact is:
   • Any intentional sexual touching
   • However slight
   • With any object or body part (as described below)
   • Performed by a person upon another person

   Sexual Contact includes (i) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and (ii) making another touch you or themselves with or on any of these body parts.

b. Sexual Intercourse is:
   • Any penetration
   • However slight
   • With any object or body part (as described below)
   • Performed by a person upon another person

   Sexual Intercourse includes (i) vaginal penetration by a penis, object, tongue, or finger; (ii) anal penetration by a penis, object, tongue, or finger; and (iii) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.
c. Affirmative Consent is:

- Informed (knowing)
- Voluntary (freely given)
- Active (not passive), meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity

Affirmative Consent cannot be obtained by Force. Force includes (i) the use of physical violence, (ii) threats, (iii) intimidation, and/or (iv) coercion.

i. **Physical violence** means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, choking, and brandishing or using any weapon.

ii. **Threats** are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person’s reputation, or to cause a person academic or economic harm.

iii. **Intimidation** is an implied threat that menaces or causes reasonable fear in another person. A person’s size, alone, does not constitute intimidation; however, a person’s size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

iv. **Coercion** is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the University will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Affirmative Consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity.

A person who is incapacitated is unable, temporarily or permanently, to give Affirmative Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person
may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

The University offers the following guidance on Affirmative Consent and assessing incapacitation:

A person who wants to engage in a specific sexual activity is responsible for obtaining Affirmative Consent for that activity. Lack of protest does not constitute Affirmative Consent. Lack of resistance does not constitute Affirmative Consent. Silence and/or passivity also do not constitute Affirmative Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this Policy. It is important not to make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

Affirmative Consent to one form of sexual activity does not, by itself, constitute Affirmative Consent to another form of sexual activity. For example, one should not presume that Affirmative Consent to oral-genital contact constitutes Affirmative Consent to vaginal or anal penetration. Affirmative Consent to sexual activity on a prior occasion does not, by itself, constitute Affirmative Consent to future sexual activity. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of Affirmative Consent.

Affirmative Consent may be withdrawn at any time. An individual who seeks to withdraw Affirmative Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once Affirmative Consent is withdrawn, the sexual activity must cease immediately.

In evaluating Affirmative Consent in cases of alleged incapacitation, the University asks two questions: (1) Did the person initiating sexual activity know that the other party was incapacitated? and if not, (2) Should a sober, reasonable person in the same situation have known that the other party was incapacitated? If the answer to either of these questions is “YES,” Affirmative Consent was absent and the conduct is likely a violation of this policy.

Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking or using drugs. The impact of
alcohol and other drugs varies from person to person.

One is not expected to be a medical expert in assessing incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?”, “Do you know how you got here?”, “Do you know what is happening?”, “Do you know whom you are with?”. One should be cautious before engaging in sexual contact or sexual intercourse when either party has been drinking alcohol or using other drugs. The introduction of alcohol or other drugs may create ambiguity for either party as to whether Affirmative Consent has been sought or given. If one has doubt about either party’s level of intoxication, the safe thing to do is to forego all sexual activity.

**Being impaired by alcohol or other drugs is no defense to any violation of this policy.**

32. Sexuality Exploitation

Sexual Exploitation is purposely or knowingly doing any of the following:

- Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give Affirmative Consent to sexual activity;
- Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or live-streaming of images);
- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person’s intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy);
- Recording or photographing private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Disseminating or posting images of private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Prostituting another person; or
- Exposing another person to a sexually transmitted infection or virus without the other’s knowledge.

33. Intimate Partner Violence
Intimate Partner Violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate Partner Violence may include any form of prohibited conduct under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined below).

Intimate Partner Violence includes “dating violence” and “domestic violence,” as defined by the Violence Against Women Act (VAWA). Consistent with VAWA, the University will evaluate the existence of an intimate relationship based upon and individual’s statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Physical assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Intimate Partner Violence, or is part of a course of conduct under the Stalking definition.

34. Stalking

Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or to experience substantial emotional distress.

Course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property. Substantial emotional distress means significant mental suffering or anguish.

Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

35. Sexual or Gender-Based Harassment

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (a) and/or (b), below, are present. Harassment can be based on gender, sexual orientation, gender identity, or gender
expression, and may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (a) and/or (b), below, are present.

a. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, academic standing, or participation in any University programs and/or activities or is used as the basis for University decisions affecting the individual (often referred to as “quid pro quo” harassment); or

b. Such conduct creates a hostile environment. A “hostile environment” exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the University’s education or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:

i. The frequency, nature and severity of the conduct;
ii. Whether the conduct was physically threatening;
iii. The effect of the conduct on the Complainant’s mental or emotional state;
iv. Whether the conduct was directed at more than one person;
v. Whether the conduct arose in the context of other discriminatory conduct;
vi. Whether the conduct unreasonably interfered with the Complainant’s educational or work performance and/or University programs or activities; and
vii. Whether the conduct implicates concerns related to academic freedom or protected speech, or is legitimate pedagogical design or delivery.

A hostile environment can be created by persistent or pervasive conduct or by a single or isolated incident, if sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

36. Retaliation
Retaliation means any adverse action intentionally taken against a person for making a good faith report of prohibited conduct or participating in any proceeding under this policy. Retaliation includes intentionally threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of “no responsibility” on the allegations of prohibited conduct. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct.

VIII. RESPONSES AND CONSEQUENCES

A. Consequences
Tulane University may choose to deliver the following consequences to students and/or student organizations. These consequences (some of which are sometimes referred to as sanctions), which may be delivered individually or in combination, include the following:

1. **Expulsion.** Expulsion means that a student is removed from the Tulane University community permanently. The expulsion will be noted on a student’s transcript.

2. **Suspension.** Suspension means that a student must leave the University for a definite or indefinite period. A student may eventually return if applicable conditions are satisfied.

3. **Probation.** Probation means that a student may remain at Tulane University, or an organization may continue to be recognized by the University, but may be required to satisfy specified conditions or requirements, or report regularly to a designated administrator. Students may be barred from holding any office. Students or organizations may be barred from participating in any activity in which the student or organization represents the University, including athletics or other competitive teams. Students may be barred from participating in any University recognized student organizations either within or outside the University community. The sanction of probation may prohibit graduation until the period of probation has ended and the student has complied with all requirements.

4. **Revocation or Withholding of Admission or Degree.** Tulane University reserves the right to withhold or revoke a degree pending completion of specific requirements.

5. **Educational Requirements.** Completion of projects, programs, or other such requirements designed for student development purposes.

6. **Contact Restrictions.** Compliance with orders of no contact that limit access in time and space to specific University areas, including digital arenas, or forms of contact with particular persons or groups.
7. **Housing Restrictions.** Exclusion from Tulane University housing or change in housing arrangements, including relocation.

8. **Community Service.**

9. **Written Warning or Reprimand.** Written warning giving the student or organization notice that any subsequent Code violations may carry more serious sanctions.

10. **Oral Warning or Reprimand.** Oral warning giving the student or organization notice that any subsequent Code violations may carry more serious sanctions.

11. **Consequence Withheld.** In some situations, the imposition of certain consequences may be withheld conditioned upon a student’s or organization’s compliance with specified requirements.

12. **Loss of Privileges.** For example, in some circumstances a student or organization may be restricted in the use of university facilities or from participation in activities, events or programs.

13. **Restitutions/Fines/Costs.** A student or organization may be required to compensate for damage to tangible or intangible property. In addition, Tulane University reserves the right to impose reasonable monetary fines.

14. **Referrals for assessment.** Tulane University may require a student to be assessed, seek counseling, or medical intervention.

15. **Revocation of Affiliation.** Revocation of affiliation means that the student will no longer be permitted to be a member of a specific organization or that an organization will no longer be affiliated with Tulane University.

16. **Oral or Written Acknowledgement.** A student or organization may receive an oral or written acknowledgment for good citizenship in following the core values and/or Code rules.

**B. Other Responses**

1. Interim Measures
   In some instances, such as in alleged instances of sex discrimination, particularly sexual violence, it may be necessary and appropriate for Tulane University to implement what are known as interim measures (a type of “consequence” not usually thought of as a “sanction”) during an inquiry or investigation into the situation.
Interim measures are temporary actions taken by the University to ensure equal access to its education programs and activities and foster a more stable and safe environment during the process of reporting, investigation, and/or adjudication. Interim measures may be applied to persons reporting and/or responding (if any) and other involved individuals as appropriate to ensure their safety and well-being. Interim measures may be requested by students or employees, or the University at any time, regardless of whether any particular course of action is sought by the person bringing the initial report.

Interim measures are initiated based on information gathered during a report and are not intended necessarily to be permanent resolutions; hence, they may be amended or withdrawn as additional information is gathered.

When a report of sex discrimination, such as sexual assault is received, the Title IX Coordinator, in consultation with other administrators as is appropriate, will impose reasonable and appropriate interim measures when necessary to protect the safety of the parties or witnesses involved. The Title IX Coordinator, in consultation with other administrators as is appropriate, will be in contact with the any and all persons impacted so that safety, emotional, and physical well-being concerns can be reasonably addressed.

All individuals are encouraged to report concerns about the adequacy of the interim measures or failure of another individual to abide by any interim measure to the Director of Student Conduct and/or Title IX Coordinator. Violations of interim measures may result in consequences. The Director of Student Conduct and/or Title IX Coordinator will take appropriate, responsive, and prompt action to enforce interim measures and/or to respond to retaliation by another party or witness.

The range of interim measures available includes but are not limited to:

- Access to counseling services and assistance in setting up initial appointments, both on and off campus
- Imposition of Contact Restriction
- Rescheduling of exams and assignments
- Providing alternative course completion options
- Change in class schedule, including the ability to drop a course without penalty or to transfer sections
- Change in work schedule or job assignment
- Change in student’s campus housing
- Assistance from University support staff in completing housing relocation
- Limiting access to certain University facilities or activities pending resolution of
the matter
● Voluntary leave of absence
● Providing an escort to assure safe movement between classes and activities
● Arranging for medical services
● Providing academic support services, such as tutoring
● University-imposed leave, suspension, or separation for the Responding Party
● Any other Consequence which can be tailored to the involved individuals to achieve the goals of the Code.

2. Remedial Action
In some instances, when certain Code transgressions occur, it will be necessary for Tulane University to take remedial action—beyond simply punishing an individual for transgressions against the Code—for the benefit of an individual and/or the greater campus community. Remedial actions are another form of consequences. These other “remedies” may result from rule transgressions, including certain forms of discrimination. These remedial actions may be restorative and/or facilitative.

The Office of Institutional Equity and/or the Title IX Coordinator will identify long-term or permanent remedies to address the effects of discrimination on persons impacted by that discrimination and address discriminatory impacts, if any, on the University community. The Office of Institutional Equity and/or the Title IX Coordinator will consider the appropriateness of remedies on an ongoing basis to assure the safety and well-being individuals impacted by discrimination throughout the process. Long-term remedies may include extending or making permanent any interim measures. Many of the remedies and supports that an impacted individual might need will have already been provided as interim measures, including but not limited to academic accommodations, short-term counseling, and housing arrangements. The Office of Institutional Equity and/or the Title IX Coordinator will consider whether there is a need for additional remedies.

IX. RELATED POLICIES AND PRACTICES

The following is a non-exhaustive listing of related policies and procedures:

- Tulane University Alcohol & Other Drug Policy
  [http://campushealth-dev.tulane.edu/node/3126](http://campushealth-dev.tulane.edu/node/3126)
- Tulane University Acceptable Use Policy
  [http://isowiki.tulane.edu/Tulane_Information_Security_Policies/Tulane_University_Acceptable_Use_Policy](http://isowiki.tulane.edu/Tulane_Information_Security_Policies/Tulane_University_Acceptable_Use_Policy)
- Tulane University Housing and Residence Life Community Living Standards
  [https://www2.tulane.edu/studentaffairs/housing/community-living/](https://www2.tulane.edu/studentaffairs/housing/community-living/)
- Tulane University Equal Opportunity/Anti-Discrimination Policy
  [http://www2.tulane.edu/equity/upload/EO-Policy-Revised-July-2016.pdf](http://www2.tulane.edu/equity/upload/EO-Policy-Revised-July-2016.pdf)
X. AMNESTY PROVISIONS

Any individual (including, a witness, or a third party) who shares information in the interest of any individual’s health and safety will not be subject to disciplinary action by the University for their own personal consumption of alcohol or other drugs at or near the time of any incident, provided that they did not harm or place the health or safety of any other person at risk. The University may require an educational conference where support, resources, and educational counseling options may be discussed and potentially required with a learning action plan for an individual who has engaged in the illegal or prohibited use of alcohol or drugs.

XI. PRIVACY, CONFIDENTIALITY, TRANSPARENCY, REPORTING AND RECORD-KEEPING

The Tulane Code is administered in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, Violence Against Women Act (VAWA), state and local law, and Tulane University policies. To respect a student’s privacy in educational records we will typically share sensitive student information without a student’s consent internally among administrators or other authorized individuals with a legitimate educational interest; or with others only with a student’s consent. In unusual instances where there is a legitimate education/safety/wellness interest or requirement in doing so (or other situations where the law requires disclosure), we may disclose information to other individuals in special circumstances — such as an imminent risk of harm — without a student’s consent.

The University is also committed to providing assistance to help students, employees and third parties make informed choices about when to share information and with whom.

Certain relationships are confidential, like the medical and clinical care providers at Student Health Services (and those who provide administrative services related to the provision of medical and clinical care at Student Health), the mental health providers at CAPS, and ordained clergy, all of whom may engage in confidential communications under Louisiana law. In the context of these confidential relationships, information will typically not be revealed to any third party without permission except when an applicable law or a court order requires or permits disclosure of such information. However, confidential information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.
Administrators receive training and guidance about sharing and safeguarding private information in accordance with state and federal law, including medical records. The confidentiality of a student’s medical and related records generally is protected by Louisiana state medical privacy law and the Health Insurance Portability and Accountability Act ("HIPAA"), excepting health records protected by FERPA. To learn more about confidential reporting options at Tulane or in the New Orleans community, please visit http://www.titleix.tulane.edu/get-help-now/.

All other Tulane University employees, including faculty members, athletic coaches and trainers, and Student Affairs staff, do not form confidential relationships with students. These employees play the critical role of being individuals to whom a student (or employee) can turn to share information with the assurance that the information will get to Tulane University decision-makers for appropriate interventions. An employee will report to the appropriate administrator (for instance in Title IX matters, the Title IX Coordinator) relevant details (obtained directly or indirectly: for example, in an incident of discrimination that involves any student, the Responsible Employee will share information including dates, times, locations, and names of individuals impacted by discrimination and witnesses.) Out of respect for free expression and the integrity of academic research, Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., “Take Back the Night,” candlelight vigils, protests, “survivor speak-outs” or other public forums in which students may disclose incidents); (2) during a student’s participation as a subject in an Institutional Review Board-approved human subjects research protocol; or (3) in academic activities like classroom discussion or assignment.

Individuals may always choose to report any situation to the University, to law enforcement, to both, or to neither. These reporting options are not exclusive. Where a crime may have been committed, an individual may simultaneously pursue criminal and disciplinary action. Tulane University will support individuals in understanding, assessing and pursuing these options.

Tulane University balances the need for privacy and confidentiality with the value of transparency. Often this balancing results in the sharing of information in aggregate and/or redacted forms. Members of our community respect the often-delicate balancing required to protect all interests. Spreading false narratives, or sharing sensitive information improperly, can have a destructive impact on our educational environment and is not consistent with our core values. (Tulane University is often lawfully unable to correct false narratives in public forums or undo the damage caused by the release of sensitive information.) Tulane University cannot ensure that information will never be disclosed or obtained by others. Our record keeping procedures will be performed with due diligence and in compliance with the law and best practices in the field. Tulane University ordinarily maintains conduct records for seven years.
XII. NOTICE OF EQUAL OPPORTUNITY AND ANTI-DISCRIMINATION

In keeping with Tulane’s core values and as required by law, we provide the following notice of non-discrimination:

Tulane is committed to and encourages a diverse and inclusive community that respects and values individual differences. In support of this commitment, Tulane University prohibits discrimination and harassment in its employment practices or educational programs/activities on the basis of age, color, disability, gender expression, gender identity, genetic information, marital status, military status, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status, or any other status or classification protected by federal, state, or local law. Tulane University complies with applicable federal and state laws addressing Discrimination, Harassment, and/or Retaliation such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, the Americans with Disabilities Act and ADA Amendments Act, and the Equal Pay Act.

Tulane University will promptly and equitably respond to all reports of discrimination and harassment in order to eliminate prohibited conduct, prevent its recurrence, and address its effects on an individual or the community.

Individuals must promptly report discrimination so prompt and appropriate action can be taken. Complaints of discrimination must be filed in accordance with the policies set forth below.

Complaint Procedures:
Promptly report Discrimination, Harassment, and/or Retaliation so appropriate action can be taken. The complaint procedures are designed to ensure the rights of the Complainant while at the same time affording due process to involved parties.

Form of Complaint:
Complaints of Discrimination, Harassment, and/or Retaliation will be accepted orally or in writing. Anonymous complaints will be accepted and investigated to the extent possible. Complaints may be filed online at: Tulane.edu/concerns.

Content of Complaint:
Any individual who wants to report possible Discrimination, Harassment, or Retaliation based on a protected classification should promptly file a complaint with the following information, if known: the name of the adversely affected party, a brief description of the offending behavior including times, locations, and name or identifying information
about the accused, and the names or descriptions of any witnesses to the reported conduct.

**Reporting the Complaint:**

There is no time limit for reporting prohibited conduct to the University, however, the University’s ability to respond may diminish over time as evidence may erode, memories may fade, and individuals may no longer be affiliated with the University. If the Respondent is no longer affiliated with the University, Tulane will provide reasonably appropriate remedial measures, assist the adversely affected party in identifying external reporting options, and take reasonable steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. It is not necessary for an individual to confront the alleged harasser prior to instituting a complaint with the University. It is appropriate, however, to promptly report a complaint so that a thorough investigation is possible. Any person designated below to receive complaints from students, employees, or faculty must notify the Office of Institutional Equity within 24 hours of receiving a complaint.

**Where to Report:** A student who wants to report possible Discrimination, Harassment, or Retaliation based on a protected status in violation of Tulane University policies must report the alleged behavior to one of the following:

- Online at: [Tulane.edu/concerns](http://Tulane.edu/concerns)
- Office of Institutional Equity, (504) 862-8083
- Vice President for Student Affairs, (504) 314-2188

A Third-Party who wants to report possible Discrimination, Harassment, or Retaliation based on a protected status in violation of Tulane University policies must report the alleged behavior to one of the following:

- Office of Institutional Equity, (504) 862-8083
- Online at: [Tulane.edu/concerns](http://Tulane.edu/concerns)

**A Special Note About the Title IX Coordinator:**
The Title IX Coordinator oversees the University’s centralized review, investigation, and resolution of reports of sex discrimination, including sexual harassment and violence. The Title IX Coordinator also coordinates the University’s compliance with Title IX. The Title IX Coordinator can be contacted by telephone, email, or in person during regular office hours. Students, staff and faculty may contact:

Meredith M. Smith, JD, MS Ed  
Title IX Coordinator, Office of the Provost
Inquiries concerning the application of non-discrimination laws may be referred to the University officials listed above or to the Office for Civil Rights (OCR), United States Department of Education. A person may also file a complaint with the Department of Education’s Office for Civil Rights regarding an alleged violation of Title IX by calling (800) 421-3481 or visiting: www2.ed.gov/about/offices/list/ocr/complaintintro.html. For further information about OCR and its jurisdiction, visit www2.ed.gov/about/offices/list/ocr/index.html or call 1-800-421-3481.

To learn more about Title IX at Tulane, please visit our website at titleix.tulane.edu.

XIII. EXTERNAL AGREEMENTS/DEFERENCE TO EXTERNAL LEGAL AUTHORITIES

Tulane University does not enforce external agreements with this Code. Tulane University will defer to the directives of valid external legal authorities when legally required to do so, and reserves the right to defer to external legal authorities when not otherwise legally required to do so.

XIV. INTERPRETATION OF THE CODE

The Tulane Code is designed to be self-explanatory. Should a disagreement over interpretation arise, exclusive authority to interpret the Tulane Code lies within the authority and discretion of Vice President for Student Affairs or designee and any such interpretations are final and unreviewable.

XV. REVISION OF CODE

The Code of Student Conduct should be reviewed by the Vice President of Student Affairs on an annual basis. All proposed revisions must first go before the Committee on the Code of Student Conduct, which shall determine whether the proposed revisions are minor or substantive. This Committee will fall under the purview of the Vice President for Student Affairs, or their designated representative, and shall be comprised of one faculty member, one staff member and three student members, as appointed by the Vice President for Student Affairs for one-year
terms. The Student Conduct Administrator shall serve as the non-voting chair. This committee shall convene whenever there is a proposed revision to the Code of Student Conduct and its sole role will be to determine whether the proposed revision is minor or substantive. A minor change is defined as any change that does not affect the intent, workings, or procedures of the conduct process or that is required by federal, state, or local law or regulation. Such minor changes, as determined by the Committee on the Code of Student Conduct, can be made by the Student Conduct Administrator and the Vice President for Student Affairs, based on agreement by both with final review and approval by the Provost. A substantive change, as determined by the Committee on the Code of Student Conduct, is defined as a change that affects the conduct process or student’s rights unless it is required by federal, state, or local law or regulation. The revision process for substantive changes is as follows:

A. The proposed changes are vetted among staff, students, and faculty internal to the conduct process, General Counsel, Provost Staff, Student Affairs senior leadership, and the Student Affairs Committee of the Senate (SACS).

B. SACS reviews and makes recommendations to the University Senate with respect to the proposed changes.

C. The University Senate reviews and acts on the SACS recommendations.

D. The action of the University Senate is forwarded to the Provost for review.

E. The Provost forwards with comment the record of SACS recommendations and University Senate actions to the President’s cabinet.

F. Final approval of proposed substantive revisions to the Code resides with the President’s cabinet.

**XVI. THE IMPORTANT ROLE OF FAMILIES**

The University may facilitate communication between the University and families in support of student success. Families can contribute best to student success when they are aware of the challenges and opportunities facing today’s students. Higher education has evolved significantly in the last few decades, even in the last few years. A family’s prior experience in higher education may or may not be equivalent to what students will face today.

We encourage parents and families to learn about Tulane University’s student support services and understand how their students can access these resources. Families are encouraged to discuss and embrace Tulane University’s [Seven Core Values](#) with their student.
When a student is enrolled at Tulane University, you can expect us to:

- Challenge students to identify, define, and solve problems independently
- Encourage students to set and achieve personal goals and make responsible decisions related to academics, career planning, social interactions, and community engagement
- Understand and support Tulane University’s commitment to academic excellence
- Empower students to examine personal values
- Encourage students to learn about and respect the values and beliefs of others
- Expect students to accept consequences of their actions and responsibility for their choices
- Urge students to proactively and constructively examine undesirable or undesired outcomes in order to assess what caused them, what can be done about them, and how to avoid them in the future
- Make reasonable efforts to create a safe and inclusive living and learning environment for all

If you are ever concerned about your student’s wellness in any way, please contact appropriate campus or community authorities immediately:

- Student Resources and Support Services (504) 314-2160
- Counseling and Psychological Services (504) 314-2277
- Tulane University Police Department (504) 988-5381

Please be aware that Tulane University may contact and involve families in order to gain assistance from parents when students under the age of 21 have an alcohol or drug violation or if they are engaged in other behaviors that pose health or safety risks to themselves or other students. We also want to remind families that there are federal laws (for example the Federal Educational Rights and Privacy Act of 1974 and the Health Insurance Portability and Accountability Act of 1996) that place limitations on parents’ ability to access student records. Please contact the Office of Student Conduct at conduct@tulane.edu if you have questions about these limitations and how we can still partner and appropriately communicate with you to promote the success of your student.

Please remember that you are also free to share information with us. For instance, we often find it helpful when a student or their family discloses challenges that a student had prior to matriculation, or any special needs.