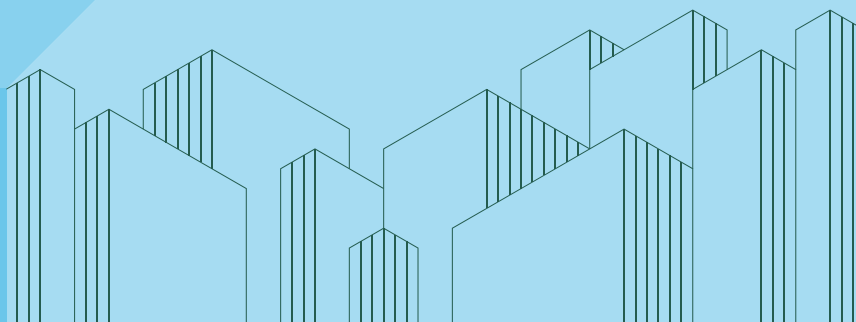


# The Tulane University Code of Student Conduct

Office of Student Conduct  
Division of Student Affairs  
2025-2026



TULANE  
UNIVERSITY

## Welcome to Tulane University!

We share a common goal—helping you make the most of your educational experience. Tulane’s long history of providing a world-class education in one of America’s most vibrant cities has shown us that learning is most effective when it is immersive and holistic, extending beyond the classroom.

Our role is to facilitate your learning by setting clear expectations while allowing you to take responsibility for your growth. As a voluntary educational community, we owe it to each other to cultivate an environment where all students can engage fully, challenge ideas thoughtfully, and contribute meaningfully. This means upholding mutual respect, integrity, and accountability, recognizing that our individual actions impact the collective experience.

As members of this community, we are guided by core values: Leading for a Better Tomorrow, Knowledge for Good, Unconventional Innovation, Welcoming Community, Collaborative Engagement, and Inspiring Excellence. These values inform our policies and decisions, ensuring that Tulane remains a thriving and inclusive environment for learning and personal development.

Tulane’s motto, “*non sibi sed suis*”—“*not for one’s self but for one’s own*”—reflects our commitment to shared responsibility and collective growth. Your Tulane experience will be shaped not only by what you achieve but also by how you treat others and how you embody our shared values.

The Tulane Code of Student Conduct is more than a set of rules—it is a commitment to one another and to the principles that define our University. It is a living document that operates through both administrators and students, emphasizing accountability, fairness, and restorative practices. By adhering to this Code, we uphold the standards that make Tulane a place where everyone can grow, contribute, and succeed.

Together, we create a community where learning, respect, and responsibility are shared pursuits. Welcome to Tulane!

### **I. Scope of the Code**

Tulane University’s Code of Student Conduct is designed to foster a respectful and productive learning environment. While it aligns with legal requirements, its primary purpose is educational, not legal. The Code serves as a guide to the University policies and procedures but does not create a binding contract between Tulane and any student or third party, and the University reserves the right to modify the Code from time to time as necessary through the procedures established in Article XII of the Code.

The Tulane Code of Student Conduct applies to:

- All enrolled students (full-time, part-time, undergraduate, graduate, and professional students. This includes in-person and online student enrollment).
- Student organizations and affiliated groups officially recognized by the University.

- On-campus and off-campus conduct when University policies, community safety, or Tulane’s identifiable interests are implicated. However, the University does not assert jurisdiction over constitutionally protected speech or lawful expressive conduct that occurs off campus, even when it is inconsistent with the University’s views or interests. This limitation reflects Tulane’s commitment to academic freedom, civic engagement, and students’ rights under the First Amendment.”
- Online and digital behavior that affects members of the Tulane community.

This Code is in effect from the time of a student’s enrollment at the University through graduation, including periods of leave, study abroad, or inter-institutional coursework.

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 Director of Student Conduct or designee has discretion, subject to discretionary review by the Dean of Students, to determine the jurisdiction and parameters of the Code. Throughout this document, references to the Director of Student Conduct include authorized designees, who may carry out duties and decisions on behalf of the Director in conduct matters.

## **II. Communication and Respectful Participation**

The official mode of communication at Tulane University is via email at your Tulane University account. All members of the community are expected to use due diligence in maintaining and checking their accounts for messages, normally daily.

Tulane uses Maxient, a secure case management system, to send official communications related to student conduct matters. If you receive a Maxient letter, you are expected to review it promptly and take any required action within the specified timeframe. Failure to check your Tulane email or review a Maxient notification does not exempt you from deadlines, responsibilities, or consequences outlined in the communication.

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. The University welcomes vigorous disagreement in our community; some educational conversations are challenging. However, contempt for the Tulane University Code process, the administrators who operate that process, or individuals involved in the process shows lack of congruence with our core values.

## **III. About the Office of Student Conduct (OSC)**

The Tulane Office of Student Conduct (OSC) is responsible for upholding community standards and alleged violations of this Code. OSC is committed to fostering a culture of integrity, accountability, and respect within the University community. OSC’s mission is to uphold the

values of Tulane University by ensuring that students engage in ethical decision-making and responsible citizenship both on and off campus.

Any student involved in a conduct case pursuant to this Code is presumed not to be in violation unless they accept responsibility or the disciplinary process determines otherwise. OSC endeavors to ensure that students understand their rights and responsibilities, promoting a learning environment that values honesty, fairness, and community engagement.

OSC is also committed to maintaining a campus free from harassment, discrimination, and other forms of misconduct. Students who experience or witness violations of University policies are encouraged to seek guidance and support through our office.

### **Contact Information**

- **Location:** Lavin-Bernick Center for University Life, Suite G02, 6823 St. Charles Avenue, New Orleans, LA 70118
- **Phone:** (504) 314-2160
- **Email:** [conduct@tulane.edu](mailto:conduct@tulane.edu)
- **Office Hours:** Monday – Friday, 8:30 AM – 5:00 PM

For after-hours support, the Division of Student Affairs provides a 24/7 professional staff on call for urgent situations and can be reached by calling (504) 920-9900.

## **IV. Vision and Core Values of the Office of Student Conduct (OSC)**

OSC operates within the Division of Student Affairs, aligning with the Student Affairs' mission to cultivate support, connection, and growth throughout the student experience. OSC is committed to fostering a campus environment where students learn from their experiences, uphold community standards, and contribute positively to the University and beyond.

OSC envisions a student-centered approach to accountability, where students are encouraged to learn, think, and act to benefit humanity. OSC endeavors to provide a conduct process that is educational and restorative, allowing students to reflect on their actions and develop into responsible members of both the Tulane and broader global community.

## **V. Tulane University Expectations for Student Conduct**

Tulane University is committed to fostering a community of integrity, scholarship, and personal responsibility. By enrolling at Tulane, students acknowledge their obligation to uphold University policies and conduct themselves in a manner that reflects the institution's core values.

Students recognize that Tulane University has the authority to enforce its policies and take disciplinary action, including sanctions up to suspension or expulsion, for violations of the Tulane Code of Student Conduct or for conduct that while not otherwise specified, poses a risk to the safety, integrity, or core operations of the University community.

Both individual students and student organizations are responsible for complying with all University policies and regulations, whether on or off campus. Additionally, students are expected to abide by local, state, and federal laws.

## **VI. Scope of Misconduct**

The following examples of misconduct are not an exhaustive list but serve as general guidelines for behavior that violates the Tulane Code of Student Conduct. These examples should be interpreted broadly and fairly in accordance with their intended meaning. This broad interpretation ensures the Code remains adaptable to evolving forms of student behavior and misconduct. Interpreting the Code in this manner allows the University to uphold its standards consistently and equitably, while supporting the educational purpose of the conduct process and the overall well-being of the campus community.

For the avoidance of doubt, students and student organizations are expected to uphold Tulane's standards of integrity, respect, and accountability in all aspects of campus life. Any conduct that disrupts the University community, violates the spirit of the Code of Student Conduct, or compromises the safety, rights, or well-being of others—whether explicitly listed in this Code or not—may be subject to disciplinary action. The University reserves the right to address behaviors that, while not specifically outlined below, are inconsistent with its values and policies.

Students and student organizations may be held accountable for both attempted and actual violations of the Code. Additionally, individuals who assist or encourage misconduct may be held responsible as if they committed the violation themselves. Furthermore, student hosts and student organizations are responsible for ensuring that their guests comply with University policies. If a guest violates the Tulane Code of Student Conduct, the host or organization may also be held accountable for the misconduct.

### **Alcohol & Drug Violations**

Possessing, consuming, distributing, or being under the influence of alcohol or controlled substances in violation of [Tulane's Alcohol and Other Drug Policy](#) or applicable laws.

### **Arrest or Conviction of a Crime**

The University reserves the right to address serious criminal conduct when such behavior poses a significant risk to the safety, integrity, or operations of the Tulane community. Mere arrests or low-level infractions—such as traffic violations—do not, standing alone, constitute a violation of this Code. The University will not pursue discipline based solely on off-campus expressive activity protected under the Constitution.

### **Assault & Physical Harm**

Engaging in behavior that threatens, causes, or attempts to cause physical harm to another person. This includes, but is not limited to, hitting, pushing, striking, or using force in a manner that could result in injury. Acts of physical aggression, violent conduct, or any intentional actions

that create a reasonable fear or apprehension of harm are also prohibited. This applies regardless of whether the harm is inflicted intentionally or recklessly.

### **Classroom & Educational Disruption**

Classroom and educational disruption is defined as any behavior that unreasonably interferes with the educational experience of others or an instructor's ability to conduct a class, whether in person, online, or in any University-sponsored academic setting. Disruptive behavior includes, but is not limited to, non-approved use of electronic devices, persistent interruptions, excessive noise, failure to comply with reasonable instructor directives, cancellation of classes due to disruptive conduct, or any conduct that is disrespectful, aggressive, or otherwise materially disruptive to the learning environment.

While instructors have discretion in setting classroom expectations, a violation of those expectations alone does not automatically constitute disruptive behavior. Determinations of disruption will consider the context, intent, and severity of the conduct to ensure enforcement is fair, reasonable, and consistent with the University's commitment to academic freedom and open discourse.

### **Compromising University-Community Relations**

Engaging in conduct that negatively impacts the relationship between Tulane University and the broader New Orleans community, including disruptive off-campus events, public disturbances, or failure to respect local ordinances. This is not intended to restrict students' rights to engage in lawful protest or to express unpopular viewpoints. Rather, it applies to behavior that materially disrupts community relations, violates laws or ordinances, or causes harm to persons or property.

Examples of conduct that may fall under this provision include, but are not limited to:

- Hosting a large, unregistered off-campus party where underage drinking and illegal drug use occur, leading to police intervention, neighborhood complaints, and property damage.
- Repeated violations of local noise ordinances at a student residence or affiliated organization house that disturb neighbors despite prior citations or University warnings.
- Vandalism of private or public property.
- Blocking access to public infrastructure, emergency services, or private businesses in a manner that creates a public safety risk.
- Threats, harassment, or intimidation directed toward local residents, business owners, or community members—whether in person or online.

### **Cyberbullying & Online Harassment**

Cyberbullying and online harassment involve the use of digital communication—such as social media, email, or messaging platforms—to intimidate, threaten, humiliate, or harm others. Such behavior is prohibited when it creates a hostile environment, disrupts the educational experience, or compromises the safety and well-being of university community members.

Prohibited conduct includes, but is not limited to:

- Threats and intimidation, including messages that incite fear or violence.
- Harassing communications, such as repeated, unwanted contact.
- Doxxing or sharing private information without consent.
- Nonconsensual distribution of intimate content (e.g., images or recordings).
- Cyberstalking, including excessive monitoring or surveillance.
- Impersonation, using false identities to deceive or harm others.
- Encouraging self-harm or suicide.
- Hate-based harassment, targeting individuals based on protected characteristics.

### **Damage to Property & Vandalism**

Destroying, defacing, or damaging University property or the property of others, including graffiti, tampering with University equipment, or unauthorized modifications to campus facilities.

### **Discrimination & Harassment**

Tulane University is committed to fostering a learning and working environment where all members of our community feel respected, included, and safe. As part of this commitment, discriminatory conduct or harassment based on race, ethnicity, religion, gender, sexual orientation, disability, or any other protected characteristic as defined by Tulane policies and applicable laws is strictly prohibited.

Such behavior includes, but is not limited to:

- Verbal, physical, or online actions that create a hostile environment, interfere with an individual's access to University programs or activities, or otherwise violate University standards of conduct.

Inappropriate, offensive, or degrading conduct that, while not rising to the level of a hostile environment, is demeaning, exclusionary, or inconsistent with the University's commitment to our core values of welcoming community and respect.

Tulane recognizes that some behavior may be inappropriate or inconsistent with our values even if it does not meet the legal threshold for discrimination or harassment under federal or state law. Such conduct may still be subject to intervention or disciplinary action if it compromises the educational environment or the well-being of the Tulane community.

Tulane affirms that harassment or discrimination related to any protected identity—including but not limited to race, ethnicity, disability, sex, sexual orientation, gender identity, and national origin—is equally prohibited. The University is committed to addressing such behavior through appropriate processes and interventions.

One-time incidents that do not rise to the level of a hostile environment may still be addressed through non-punitive educational or restorative measures. These may include facilitated dialogue,

mediation, restorative practices processes, educational workshops, or reflective assignments designed to increase awareness and prevent future harm. The University will determine the appropriate response based on the nature, context, and impact of the behavior.

All allegations of discrimination or harassment will be handled in accordance with Tulane's Equal Opportunity, Anti-Discrimination, and Harassment Policy and other applicable University policies and procedures. Students found responsible for misconduct may be subject to disciplinary action under the Code of Student Conduct or other University regulations.

Antisemitic conduct is specifically prohibited. This could include using antisemitic slurs repeatedly towards an individual, regardless of their actual religion; excluding an individual from Tulane-sponsored programs or activities due to their perceived affiliation with Israel, a Jewish organization, or for wearing religious attire (e.g., a kippah) or displaying a Jewish religious symbol (e.g., a Star of David); defacing the property of a Jewish employee or student with hateful symbols, such as a swastika; using force or intimidation to obstruct the movement of an individual because they are Jewish, perceived to be Jewish, or supportive of Jewish institutions or organizations; and denying a student an expected benefit due to their perceived Jewish identity, association with a Jewish organization, or their support for Israel or Zionism. Good-faith, informed criticism of Israel's policies or actions is not, in itself, antisemitic. Such criticism is a legitimate part of political discourse, provided it does not invoke antisemitic tropes, apply double standards, or deny Israel's right to exist. However, holding any or all Jewish people collectively responsible for Israel's actions or treating any Jewish person as an extension or representative of Israel is a false assumption and may be considered antisemitic.

Islamophobic conduct is also specifically prohibited. This could include repeatedly referring to a Muslim individual, or someone perceived to be Muslim, as a "terrorist"; excluding an individual from Tulane-sponsored programs or activities because they are perceived to be Muslim (e.g., a person wearing a hijab, a Sikh person wearing a turban), from a Muslim-majority country, or associated with a Muslim organization, or for wearing religious attire (e.g., a hijab) or displaying a religious symbol (e.g., the Crescent and Star); removing a student from a Tulane program or activity based on the perception that they are Muslim or affiliated with a Muslim organization; denying a student an expected benefit due to their perceived Muslim identity, association with a Muslim organization, or their support for a Muslim-majority country (e.g., Palestine); and physically threatening an individual for wearing a religious symbol associated with Islam or a national symbol such as a keffiyeh. Legitimate, evidence-based criticism of Muslim majority states and the actions of their government or assigned actors is not immediately or inherently Islamophobic. However, holding any or all Muslim people collectively responsible for the actions of these states or treating any Muslim person as an extension or representative of these states is a false assumption and is considered Islamophobic.

## **Disorderly Conduct**

Disorderly conduct is defined as behavior that disrupts the community peace, safety, order, or interferes with University operations, or infringes on the rights of others. While the University recognizes and upholds the importance of free expression, including protest and dissent, disorderly conduct occurs when actions exceed reasonable tolerances for disruption and materially interfere with academic activities, University functions, or public safety.

Prohibited conduct includes, but is not limited to, lewd or indecent behavior, public intoxication, unauthorized or unsafe gatherings, violent or threatening actions, excessive noise, or other disturbances that go beyond lawful and permissible expression.

### **Failure to Complete Sanctions**

Failing to comply with educational, restorative, or disciplinary sanctions assigned through the student conduct process.

### **Failure to Comply with University Directives**

Refusing to follow instructions or directives issued by University officials (including student representatives or employees acting in their official capacity), law enforcement, faculty, or emergency personnel acting within their authority.

### **Failure to Notify the University of Arrest**

Students are required to promptly report to the University if they have been arrested, charged, or convicted of any crime. This obligation ensures that Tulane can assess any potential impact on the campus community and provide appropriate support or intervention if necessary.

Students must submit this information to the Dean of Students Office or the Office of Student Conduct as soon as reasonably possible following an arrest, charge, or conviction.

### **False Information & Fraud**

Providing false, misleading, or fraudulent information to University officials and/or community members, falsifying documents, impersonating others, or engaging in forgery.

### **False Reports of Emergency**

Knowingly making false reports of fire, explosion, threat, or other emergency, including falsely activating fire alarms or emergency response systems.

### **Fire Safety Violations**

Tampering with, disabling, or misusing fire alarms, smoke detectors, fire extinguishers, or emergency exits. Setting unauthorized fires or failing to evacuate during an emergency alarm.

### **Free Expression & Interference with Speech**

Engaging in conduct that interferes with another person's right to free expression is prohibited. This includes actions that unreasonably disrupt speakers, prevent lawful protests, or obstruct University events in a way that denies others the opportunity to engage in open discourse. While Tulane values the right to peaceful protest and dissent, such actions must not materially infringe on others' ability to express their views, participate in discussions, or attend university-sponsored activities. The University encourages respectful engagement and dialogue as essential components of academic freedom and intellectual exchange.

### **Guest & Host Violations**

Failing to take responsibility for the actions of guests while on University property or at University-sponsored events. Students and organizations are responsible for ensuring guests comply with the Tulane Code of Student Conduct.

### **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, witnessed or knew about the behavior, in addition to any conduct action against persons who engaged in the hazing behavior itself.

Hazing includes both individual and group conduct that violates university policies, as well as local, state, and federal laws. 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: Prohibited activities include, but are not limited to:

- 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 or 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.
- Forced or coerced consumption of alcohol, drugs, or other substances.
- Sleep deprivation, social isolation, or other actions that interfere with an individual's well-being.
- Acts of humiliation or degradation, including verbal abuse, public shaming, or wearing inappropriate attire.
- Any activity that places a person at risk of injury, emotional distress, or endangerment.

Hazing is strictly prohibited within the University community. For more information on hazing, please refer to the Tulane University Hazing Policy.

### **Interference with University Processes**

Disrupting, obstructing, or interfering with University investigations, hearings, conduct proceedings, or any official University process

### **Joint Responsibility for Violations**

Students who assist, facilitate, or condone misconduct—whether through direct involvement or by failing to intervene—may be held responsible, even if they did not personally commit the violation.

While applicable in a variety of settings, this principle is particularly critical in cases of hazing, where group dynamics, peer pressure, and a culture of silence can contribute to harm. Complicity in hazing may include, but is not limited to:

- Planning or organizing hazing activities, even if not physically present.
- Providing resources or support for hazing, such as securing a location, supplying alcohol or substances, or recruiting participants.
- Encouraging or pressuring others to engage in hazing, whether explicitly or implicitly.
- Being present during hazing activities without intervening, reporting, or attempting to stop the behavior.
- Failing to report known hazing incidents to university officials, law enforcement, or other appropriate authorities.
- Retaliating against individuals who refuse to participate in hazing or who report violations.

### **Misuse of Technology & Unauthorized Surveillance**

Engaging in unauthorized recording, photographing, or electronic monitoring of individuals where privacy is expected. Unauthorized use of university electronic resources, property, or services, including violation of the Tulane Acceptable Use and related policies.

### **Noncompliance with University Policies**

Violating residence hall policies, student organization regulations, University contracts, or other University guidelines applicable to students.

### **Obscene or Lewd Conduct**

Engaging in indecent, offensive, or obscene behavior that violates community standards or disrupts University life.

### **Retaliation**

Retaliation is any adverse action taken by a student against another student because they have reported misconduct, participated in an investigation or disciplinary process, or opposed actions that violate University policies. Prohibited retaliation includes, but is not limited to:

- Threats, intimidation, or coercion, whether verbal, written, digital, or physical, intended to deter or punish a student for reporting or participating in an investigation.
- Harassment or hostile treatment, including public humiliation, or targeted online attacks against a student who has filed a report or participated in a University process.
- Academic or organizational retaliation, such as attempting to remove a student from a student organization, study group, or team, or pressuring others to interfere with their academic opportunities.
- Encouraging others to retaliate, such as spreading false rumors or inciting hostility against them.
- False counterclaims filed in bad faith to intimidate or discredit a student who has made a report.

What Retaliation Does Not Include:

- Differing opinions, personal disagreements, or criticism, unless they escalate into intimidation, harassment, or threats.
- Consequences of one's own actions, including being held accountable for misconduct through an impartial university process.
- University-imposed sanctions resulting from a fair investigation into misconduct.
- Voluntary changes in social relationships, such as peers choosing to distance themselves from an individual without coercion or organized exclusion.  
Students sharing their accounts of events, experiences, or concerns related to matters covered by this Code.

### **Sexual Misconduct & Title IX Violations**

Sexual misconduct encompasses a range of behaviors that violate Tulane University's commitment to maintaining a safe, respectful, and nondiscriminatory learning and working environment. Title IX violations refer to conduct that constitutes sex-based discrimination, harassment, or violence as defined by Tulane's Title IX Policy found in Appendix A and federal law.

Prohibited behaviors include, but are not limited to:

- Sexual harassment, including quid pro quo harassment and hostile environment harassment.
- Sexual assault, including non-consensual sexual contact or penetration.
- Dating violence, domestic violence, and stalking as defined by the Violence Against Women Act (VAWA).
- Retaliation against individuals who report, participate in, or oppose sex-based discrimination or misconduct.
- Other forms of sex-based misconduct that interfere with an individual's access to education or employment at Tulane.

### **Stalking & Unwanted Contact**

Stalking involves engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. This includes, but is not limited to, persistent and unwanted behaviors such as following, monitoring, observing, surveilling, threatening, or communicating to or about an individual, either directly, indirectly, or through third parties, by any action, method, device, or means.

Stalking can occur in various forms, including physical, verbal, written, electronic, and online communications. It may involve cyberstalking, such as tracking an individual's online activity, hacking accounts, or using technology to monitor someone's location without consent. Unwanted digital communication, including repeatedly sending unsolicited messages, emails, images, or videos across multiple platforms, may also constitute stalking. Social media harassment, such as excessive tagging, creating fake accounts to monitor or contact someone, or spreading harmful misinformation about an individual, can be another form of this behavior. Additionally, stalking may involve the unauthorized use of electronic surveillance, such as GPS tracking, spyware, or hidden recording devices.

Beyond electronic means, stalking includes unwelcome appearances at a person's home, workplace, or campus locations after being asked not to do so, as well as repeated, unwanted attempts to establish contact through phone calls, video calls, text messages, or other digital means despite clear indications that the contact is unwelcome.

### **Tailgating & Game Day Violations**

Engaging in misconduct at University-sponsored athletic events, including excessive intoxication, disorderly behavior, unauthorized tailgating, or violating game-day policies.

### **Theft & Unauthorized Use of Property**

Stealing, misusing, or possessing property without permission, including University property, personal belongings of others, or unauthorized access to campus facilities.

### **Tobacco & Smoke-Free Policy Violations**

Using tobacco, e-cigarettes, or other smoking products in violation of [Tulane's Tobacco and Smoke-Free Campus Policy](#).

### **Unauthorized Access or Use of Computer Equipment or Networks**

Unauthorized access or use of Tulane University's computer systems, networks, or digital resources is prohibited. This includes accessing accounts or systems without authorization, bypassing security measures, tampering with university technology, engaging in hacking, phishing, or cyberattacks, and misusing university networks for prohibited activities.

Students must comply with Tulane's Information Technology Policies, including the Acceptable Use Policy and Data Security Guidelines.

### **Unauthorized Access to University Facilities**

Entering or remaining in restricted areas, construction sites, athletic facilities, student rooms, or offices without permission, even if the space is unlocked.

### **Unauthorized Entry or Trespassing**

Accessing restricted buildings, rooftops, tunnels, University-controlled spaces, unlocked spaces, or construction equipment without permission, using a space in an unpermitted manner that jeopardizes the safety of others, or failing to leave Tulane property or a University-controlled area after being instructed to do so by an authorized University official.

### **Weapons & Dangerous Materials**

Possessing, using, or distributing firearms, explosives, knives, or other weapons on University property or at University-sponsored events, regardless of permit status.

## **VI. Student Conduct Process**

Tulane University's Student Conduct Process is designed to uphold community standards while prioritizing education and accountability. The process incorporates multiple resolution pathways, including alternative resolution, educational conferences, administrative hearings, student hearing panels, and investigations, depending on the nature and severity of the alleged violation. The following sections provide guidance to students on how each stage of the process works, outlining their rights, responsibilities, and what they can expect as they navigate the conduct system. Tulane is committed to resolving student conduct matters in a manner that is reasonably prompt, equitable, and consistent with principles of fairness and due process.

As noted previously, all official communications regarding the student conduct process will be sent via Tulane email, and students are expected to monitor their University accounts regularly.

Students are strongly encouraged to fully engage in the conduct process to ensure that their perspectives, responses, and any relevant information are considered. Participation allows students

to present their account of events, provide supporting evidence, and respond to any allegations or concerns raised. Engaging in the process also enables students to ask questions, understand potential outcomes, and advocate for themselves or their student organization.

However, if a student or student group chooses not to participate, the Office of Student Conduct may proceed with the review and resolution of the matter in their absence. In such cases, decisions will be made based on the available information, and students will be held accountable for any outcomes determined through the conduct process, regardless of their level of participation. Non-participation does not prevent the university from enforcing its policies, nor does it exempt a student or student organization from any potential sanctions. Additionally, all participants in the conduct process are expected to:

- Communicate respectfully with hearing officers, complainants, respondents, and witnesses.
- Provide honest and complete information to ensure a fair resolution of cases.
- Adhere to University policies when engaging in discussions related to conduct matters.

### **Advisors in the Student Conduct Process**

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. Attorneys are not permitted to serve in the role of advisor in general misconduct cases. 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. Students may also request assistance from a case manager from the Office of Case Management and Victim Support services at any time. In more serious allegations, whether you are a respondent or complainant, one may be assigned to you.

In Title IX Sexual Harassment cases (those matters that fall into the behavior defined in Appendix A: Title IX Sexual Harassment Appendix), advisors have a more involved role in the required live hearing. Please refer to Appendix A to learn more about the advisor role in these cases.

#### **A. Alternative Resolution Options**

Tulane University recognizes that not all conduct matters require a formal hearing or investigation. In cases where an alternative approach may be more effective in fostering accountability, education, and personal growth, students may have the opportunity to resolve their cases through an Alternative Resolution Option (ARO). This option is designed to promote reflection, open dialogue, and meaningful resolution without the need for an adversarial process.

Alternative resolution is available at the discretion of the Office of Student Conduct and may be offered when all parties involved agree to participate in good faith. It is particularly suited for cases where:

- The nature of the alleged violation does not require formal disciplinary action, such as suspension or expulsion.
- The involved students or student organizations take responsibility for their actions and are willing to engage in a constructive resolution process.
- There is an opportunity for educational interventions or restorative measures that align with the University's commitment to community values.

When a case is identified as eligible for alternative resolution, the Director of Student Conduct or a designated staff member will meet with the student (or student organization representative) to explain the process, outline expectations, and discuss possible outcomes. Unlike formal conduct hearings, alternative resolution focuses on education, personal development, and repairing harm, rather than determining responsibility or imposing punitive sanctions.

Any proposed resolution must be reviewed and approved by the appropriate University stakeholders, which may include the Director of Student Conduct, the Title IX Coordinator, faculty, impacted parties, or other relevant departments based on the nature of the case. The Director of Student Conduct retains the right to modify, reject, or impose additional conditions on any alternative resolution to ensure consistency with institutional values, policies, and legal obligations.

The alternative resolution process is confidential, and statements, agreements, or any information shared during these proceedings may not be used as evidence in any future conduct process, except in cases where a student fails to comply with the terms of the resolution. Participation in alternative resolution does not constitute an admission of responsibility, nor does it create a formal conduct record, unless agreed upon by both parties. The Office of Student Conduct will not use ARO-related discussions or documents as the basis for determining responsibility in future conduct cases.

The alternative resolution process may include a combination of the following approaches:

- Restorative Conversations – A facilitated discussion between the student and affected parties (if applicable) to promote understanding, acknowledge impact, and develop a plan for making amends.
- Educational Reflection Assignments – Writing reflections, attending workshops, or completing educational modules related to ethical decision-making, conflict resolution, or other relevant topics.
- Community Service or Engagement – Involvement in service projects, mentoring opportunities, or campus initiatives designed to encourage responsible citizenship.
- Behavioral Agreements – A written agreement outlining specific commitments the student will uphold to demonstrate accountability and prevent future concerns. This may include required counseling or other intervention services.

- Mediation – A facilitated dialogue between involved parties to resolve disputes, clarify misunderstandings, and reach a mutually agreed-upon resolution.

At the conclusion of the alternative resolution process, students receive a written summary via Maxient detailing the agreed-upon steps and any follow-up requirements. Successful completion of the resolution plan will result in the case being closed without a formal conduct record.

If a student fails to comply with the agreed-upon terms of the alternative resolution process, or if the resolution process fails for any reason, the case will be referred back to the formal conduct process for further review and potential disciplinary action.

## **B. Interim Measures**

Interim measures may be imposed by the Dean of Students to protect the health, safety, and welfare of the University community. They are not intended as punitive measures and do not imply a finding of responsibility. These measures may apply to individual students or student organizations and may include, but are not limited to:

- No-contact directives
- Restrictions on privileges or participation in activities
- Temporary removal or relocation within university housing
- Suspension of organizational activities
- Campus or facility restriction

The Dean of Students, or designee, may impose an interim suspension when necessary.

Students or organizations impacted by interim measures may submit a written request for review to the Dean of Students (or designee) within five (5) business days of the measure being imposed. The request should outline any relevant information or mitigating factors. The reviewing official has the discretion to modify, uphold, or remove the interim measure based on the circumstances and potential impact on the University community. The interim measure remains in effect during the review process. The decision of the Dean of Students (or designee) is final and not subject to further appeal.

## **C. Process Gatekeeping and Case Assessment**

When a report of student misconduct is received, the Director of Student Conduct reviews the case in consultation with relevant University offices to determine the appropriate disciplinary process.

### **1. Minor Matters**

Violations considered minor by the Director of Student Conduct are typically addressed through one of the following processes:

- Educational Conference – A discussion between the student (or student organization) and a conduct officer to review the incident, assess decision-making, and determine corrective actions. A Learning Action Plan may be assigned if necessary.
- Administrative Hearing – A single conduct officer reviews the evidence, determines whether a violation occurred, and assigns appropriate sanctions if needed.
- Student Hearing Panel (For Organizations Only) – A panel of trained students evaluates misconduct cases involving student organizations, determines responsibility, and proposes sanctions for review by the Assistant Vice President for Campus Life.

## **2. Major Matters**

A Major Matter is a case involving alleged misconduct that, due to its severity, impact, or policy implications, requires, at minimum, a formal investigation. These cases typically pose risks to the safety, well-being, or integrity of the Tulane community and may result in serious disciplinary consequences, such as suspension, expulsion, or revocation of University recognition for organizations.

A case may be classified as a Major Matter if it meets one or more of the following criteria:

- Potential for Suspension or Expulsion
- Threat to Safety or Well-being
- Discrimination, Harassment, or Title IX Allegations (Cases governed by federal Title IX regulations will be handled separately pursuant to the Title IX Grievance Procedures but still qualify as Major Matters).
- Hazing
- Repeated or Egregious Violations of University Policy
- Criminal Conduct
- Significant Community Impact or Institutional Harm

A case being classified as a Major Matter does not imply that a violation has occurred—it simply means that the allegations warrant a more in-depth review.

Students who are involved in significant conduct cases where expulsion is a possible sanction must complete the student conduct process before their degree can be conferred. If the process is not finalized by the scheduled graduation date, the conferral of the degree will be placed on hold until the case is resolved. Should the student ultimately be found not responsible, or if the outcome does not include expulsion or a sanction that prohibits graduation (such as suspension), the Registrar's Office will retroactively confer the degree. In this case the conferral will reflect the original graduation date.

## **D. Minor Matter Resolution Pathways**

### **1. Educational Conferences**

An educational conference is a non-adversarial, developmental process that allows students to reflect on their actions, understand any potential harm caused, and explore ways to make corrective changes. Designed to be informal, flexible, and educational rather than punitive, the process encourages open dialogue and personal growth.

When a student or student organization is scheduled for an educational conference, they receive a notification via Maxient outlining the alleged policy concern, the scheduled date and time, and their rights in the process. The student may attend the conference alone or may choose to bring a support person, such as a faculty or staff member, advisor, or other member of the Tulane community; however, the support person may not actively participate in the conversation.

The conference is led by a conduct officer from Student Conduct or Housing and Residence Life and begins with an introduction to the process. They are then given the opportunity to share their perspective, providing context, explanations, or any misunderstandings that may be relevant.

The conversation then shifts to the impact of the student's behavior, considering how it may have affected them personally, their peers, and the broader university community. The student is encouraged to reflect on alternative choices they could have made and how they might handle similar situations differently in the future. If necessary, the student and the conduct officer work together to develop a Learning Action Plan (LAP), which may include reflection assignments, educational workshops, mentorship programs, risk management strategies, or community service projects tailored to the situation.

At the conclusion of the conference, the conduct officer summarizes key points and outlines the next steps. If a Learning Action Plan is assigned, the student receives a written summary via Maxient, detailing any required actions, deadlines, and submission instructions. Meaningful and successful engagement during the Educational Conference ensures that the student avoids a formal conduct record, whereas failure to participate or comply may result in the escalation of the case to an administrative hearing.

## **2. Administrative Hearings (For Individual Students)**

An administrative hearing is a more formal process in which a single conduct officer evaluates allegations, reviews evidence, and determines whether a student has violated University policy.

Students receive a Notice of Administrative Hearing via Maxient, outlining the alleged policy violations, the date, time, and location of the hearing, and instructions for submitting evidence or witness names in advance. The notice also provides information on student rights, including the option to bring an advisor. The advisor's role is limited to consultation, as they are not allowed to speak on behalf of the student during proceedings.

The administrative hearing is structured but conversational, with the conduct officer guiding the discussion. The student has the opportunity to share their perspective, respond to concerns, and provide any relevant information. The hearing begins with the conduct officer introducing themselves, explaining the purpose and structure of the process, and, if necessary, reminding the student of the preponderance of evidence standard (*i.e.*, that it must be more likely than not that a

violation occurred for a finding of responsibility). The student is allowed to ask any clarifying questions before the case is presented.

The conduct officer then outlines the allegations, presenting relevant reports and supporting materials. The student is given an opportunity to review and respond to the evidence, share their perspective, provide context or mitigating factors, present witnesses or additional evidence, and ask clarifying questions. The conduct officer may also ask follow-up questions to gain a clearer understanding of the situation. Witnesses, if deemed relevant, may provide statements, though the conduct officer determines the relevance of any suggested questions.

At the conclusion of the hearing, the conduct officer informs the student that a written decision will be issued via Maxient. If the student is found responsible, they are reminded of their obligation to comply with any assigned sanctions. The decision letter includes key findings, the determination of responsibility, and any sanctions imposed (excluding suspension or expulsion). The letter also provides information on the student's right to appeal if applicable. If the student is found not responsible, they are notified and the case is closed.

If a violation is found, sanctions are determined based on the severity of the misconduct and the student's conduct history. Possible sanctions include, but are not limited to, warnings, educational assignments, community service, disciplinary probation, loss of privileges, fines or fees. If, during the hearing, the conduct officer determines that the case involves serious misconduct—such as allegations that could result in suspension, expulsion, or Title IX violations—the case may be escalated to a full investigation. In this situation, the student is notified that an investigation will take place instead of the administrative hearing and receives additional information about the investigation process, assigned investigators, and next steps.

Students found responsible for a policy violation pursuant to this process may submit a written appeal within ten (10) business days of receiving their decision letter. Appeals may be considered only on the following grounds:

- Procedural error that materially affected the outcome of the case.
- New evidence that was not available at the time of the hearing and that could substantially impact the outcome.
- Disproportionate sanctions that are inconsistent with the severity of the violation.

Appeals must be submitted to the Director of Student Conduct via Maxient, as outlined in the student's Outcome Letter. Appeals must clearly outline the basis for the appeal, referencing specific evidence, procedural concerns, or undue sanctions. Appeals will be reviewed by an Appellate Hearing Board designed by the Director of Student Conduct, who will determine the merit of the appeal.

The Appellate Hearing Board is composed of volunteer faculty and staff members from the university community who have received training on the student conduct process and applicable evidentiary standards. The Director of Student Conduct, or their designee, serves as the chair of the board. The chair is responsible for facilitating the hearing, providing the board with relevant

case materials, and answering procedural or policy-related questions that may arise during the review.

While the chair supports the board in its deliberations, they do not vote on the outcome of the appeal. The merits of the appeal are determined by a majority vote of the trained faculty and staff members serving on the board.

Appellate boards have the ability to uphold the case, modify sanctions, or remand the case for reexamination by an alternative hearing officer. The appeal decision will be communicated to the student within ten (10) business days, and all appeal decisions are final.

### **3. Student Hearing Panel (For Organizations Only)**

The Student Hearing Panel (SHP) is a peer-led process that reviews alleged policy violations by student organizations. Composed of trained student representatives, the panel evaluates evidence, hears witness testimony, and makes recommendations on responsibility and potential sanctions. The Assistant Vice President for Campus Life reviews these recommendations and issues a final decision.

Student hearing panels may be used as a resolution option in certain cases of alleged misconduct. Not all cases are eligible for panel review. Eligibility is determined at the discretion of the Director of Student Conduct based on the nature and complexity of the case, the potential outcomes, and other relevant factors. The Director serves as the gatekeeper for this process and may determine that a case is more appropriately resolved through other available resolution pathways.

When a student organization is referred to the SHP, its designated representative (typically the president or another executive officer) receives a Notice of Hearing via Maxient. This notice outlines the alleged violations, a summary of the incident, the date, time, and location of the hearing, and instructions for submitting evidence and witness lists at least five business days before the hearing. The notice also details the organization's rights, including the option to have an advisor present, though advisors cannot actively participate in the hearing. Organizations may submit evidence, provide a list of relevant witnesses, and consult an advisor in preparation. The Office of Student Conduct may also offer pre-hearing consultations to ensure the organization understands the process.

The hearing panel consists of three to five trained student representatives who have completed training in University policies and adjudication procedures. A chairperson is appointed to oversee the proceedings and maintain order. While the hearing follows a structured format, it remains conversational to allow the organization to present its perspective.

At the start of the hearing, the chairperson introduces the panel members, explains the hearing's purpose, structure, and expectations, and allows the organization's representative to ask any procedural questions. The Office of Student Conduct then presents its case, summarizing the alleged violations and reviewing the incident report and supporting evidence. The organization is given the opportunity to respond and provide its own account of events. If witnesses are called by either the Office of Student Conduct or the organization, the panel members may ask clarifying

questions to better understand the incident. The organization may also suggest questions for witnesses, though the panel determines their relevance.

The organization then presents its defense or explanation, including any mitigating factors, actions taken since the incident, or corrective measures already implemented. Panel members may ask follow-up questions before moving into private deliberation. Using the preponderance of the evidence standard (*i.e.*, determining whether it is more likely than not that a violation occurred), the panel considers the severity of the violation, intent and impact, prior conduct history, and any corrective actions the organization has already taken.

The panel then votes on responsibility and, if the organization is found responsible, recommends appropriate sanctions. Possible sanctions may include educational workshops, probation with restrictions on organizational privileges, loss of funding or event restrictions, restitution for damages, or revocation of University recognition in severe cases. The panel submits its findings to the Assistant Vice President for Campus Life, who reviews the recommendations, approves, modifies, or rejects them, and issues the final decision.

If the organization accepts the outcome, it must comply with the sanctions within the assigned timeframe. The Office of Student Conduct monitors compliance, and failure to meet deadlines may result in additional consequences, including possible revocation of University recognition.

A student organization found responsible for a policy violation may submit a written appeal within five (5) business days of receiving the decision letter. Appeals may be considered only on the following grounds:

- Procedural error that materially affected the outcome of the case.
- New evidence that was not available at the time of the hearing and that could substantially impact the outcome.
- Disproportionate sanctions that are inconsistent with the severity of the violation.

Appeals must be submitted to the Director of Student Conduct via email and must clearly outline the basis for the appeal, referencing specific evidence or procedural concerns. Appeals will be reviewed by an Appellate Officer designed by the Director of Student Conduct, who will determine whether to uphold, modify, or overturn the original decision. The appeal decision will be communicated to the student within ten (10) business days, and all appeal decisions are final.

#### **E. Formal Investigation of Major Matters (Non-Title IX)**

When the Director of Student Conduct determines that a reported incident may involve a Major Matter, the case is referred for a formal investigation. The University assigns a trained investigator, who is responsible for conducting a fact-based inquiry into the allegations. Depending on the complexity of the case and to ensure impartiality, the University may assign an internal investigator or an external third-party investigator to lead the process.

Before the investigation begins, all involved individuals—including the respondent(s), complainant(s)—receive an invitation to a Procedural Review Meeting. This meeting serves to inform participants about:

- The investigation process, including steps taken to gather evidence, conduct interviews, and make findings.
- Their rights and responsibilities, including the ability to submit evidence, suggest witnesses, and respond to allegations.
- Expected communication protocols and timelines for different stages of the process.

Students receive a written summary of this information, ensuring they have an understanding of the process. Additionally, they are permitted to bring an advisor to assist them. However, the advisor's role is limited to consultation, as they are not allowed to speak on behalf of the student during proceedings.

Once the Procedural Review is completed, the Director of Student Conduct or the assigned investigator issues a Notice of Investigation to all relevant parties. This notice includes:

- A description of the relevant University policies implicated.
- Instructions on how to submit evidence and identify witnesses.
- Information about the rights of the complainant and respondent throughout the investigation.
- The name and contact information of the assigned investigator.

Once the investigation formally begins, the investigator undertakes a trauma-informed and impartial inquiry. The investigation follows a structured process designed to gather relevant information, assess the credibility of evidence, and determine the impact of the alleged misconduct.

The process begins with the investigator's review of existing documentation, including incident reports, and other relevant institutional records. If available, the investigator may examine security footage and any digital evidence such as emails, text messages, or social media activity that may provide context to the allegations.

Next, the investigator conducts interviews with involved parties and witnesses. The complainant is given the opportunity to share their account of the incident, submit supporting documentation, and identify witnesses who can provide relevant information. The respondent is also afforded the chance to respond to the allegations, clarify their position, and present evidence in their defense. Witnesses with direct knowledge of the events are also interviewed. Relevancy and materiality of witness testimony is determined by the investigator. Interviews are conducted in private settings, and individuals may request accommodations, such as virtual meetings or written statements.

Beyond gathering direct evidence, the investigator also considers the impact of the alleged misconduct on the broader Tulane community. In cases where an incident has had wider implications, the investigator has the discretion to collect statements or impact reports from affected community members. This assessment helps determine whether the incident contributed

to a hostile environment or had lasting effects on campus climate, further informing the university's response.

Throughout the investigation, the goal remains to conduct a thorough and respectful process that balances the rights of all parties while upholding Tulane's commitment to a safe and inclusive campus environment.

Students have the right to actively participate in the fact-finding process. They may submit relevant evidence, recommend witnesses, and provide written statements. However, if a student chooses not to participate, the investigation will proceed in their absence, and findings will be based on the available evidence.

If the University becomes aware of a parallel criminal investigation, the investigator and other relevant officials will coordinate with law enforcement authorities to ensure that Tulane's process does not interfere with external legal proceedings. In such cases:

- Tulane may pause the fact-finding portion of its investigation at the request of law enforcement or the respondent until the initial stages of the criminal case are completed.
- Once law enforcement has completed its initial investigation, Tulane will promptly resume the University's fact-finding process.
- This does not apply in regulatory Title IX matters.

Once all relevant evidence has been collected, the investigator compiles a preliminary investigation report which includes:

- A summary of relevant material facts in dispute, and appendices of evidence gathered and witness statements.

Before the report is finalized, the complainant, respondent, and any involved parties are given ten (10) business days to review the preliminary investigation report. This is referred to as the Notice and Comment Period. During this period:

- Parties may submit comments, clarifications, or additional evidence.
- If new evidence is introduced, the investigator determines whether supplemental fact-finding is necessary.

After the Notice and Comment Period, the investigator issues a final determination based on the preponderance of the evidence standard (*i.e.*, whether it is more likely than not that a violation occurred). The final report will include a policy analysis, assessing the interplay between the alleged conduct and applicable University policies.

If the investigator finds that a violation has occurred, the investigator assigns appropriate sanctions and remedies based on:

- The nature and severity of the misconduct.
- The impact on individuals and the University community.

- Prior conduct history (including any previous disciplinary violations).
- The need to maintain a safe and respectful campus environment.

The respondent is notified of the final determination, and in cases involving sexual misconduct, intimate partner violence, stalking, or harassment, the complainant has the right to receive detailed information about the outcome.

Complainants will not typically receive notice of conduct process outcomes due to FERPA protections. However, exceptions exist where federal law allows disclosure, such as in cases involving Title IX misconduct or crimes of violence. In such instances, complainants may be provided with information regarding the outcome, including any disciplinary sanctions imposed that directly relate to them.

## **F. Title IX Sexual Harassment Grievance Procedures**

Cases that fall under the jurisdiction of Title IX regulations are handled in accordance with the processes outlined in Tulane University's Title IX Policy found in Appendix A. These cases follow a distinct investigative and adjudicative framework designed to comply with federal Title IX requirements. This includes specific procedures for the formal complaint process, investigation, hearing, and appeals, as well as provisions for supportive measures and protections against retaliation. For more information on the procedures governing Title IX-related cases, students and community members should refer to Tulane's Title IX Policy, which outlines the University's approach to addressing reports of sex-based discrimination, harassment, and misconduct.

In cases where alleged misconduct implicates both the Code of Student Conduct and Tulane's Title IX Policy, the Director of Student Conduct, in consultation with the Title IX Coordinator, will conduct a coordinated review to determine the appropriate resolution process. If any of the allegations fall within the scope of Title IX regulations, those aspects of the case will be handled pursuant to the procedures outlined in Tulane's Title IX Policy. However, if the alleged conduct also includes violations of the Code of Student Conduct that fall outside the scope of Title IX, the Director of Student Conduct may bifurcate the proceedings or apply a unified approach, depending on the circumstances. In such cases, the Director of Student Conduct and the Title IX Office will work collaboratively to ensure that all allegations are addressed in accordance with applicable policies. The University remains committed to avoiding duplicative processes while ensuring that all parties receive a clear and equitable resolution.

## **G. Appeals Process for Major Matters and Title IX Matters**

Students found responsible for violating Tulane's Code of Conduct in Major Matters and Title IX Matters have the right to appeal both the finding of responsibility and the sanctions imposed, but only on specific grounds. Complainants in Title IX Matters also have the right to appeal on the same limited grounds.

Appeals must be submitted within ten (10) business days of receiving the final written decision. Requests for an extension must be submitted in writing to the Director of Student Conduct, who has discretion to grant or deny such requests based on the circumstances.

Appeals must be based on one or more of the following valid grounds:

- Procedural Error – A significant deviation from established procedures that materially affected the outcome, including allegations of bias or a conflict of interest.
- New and Substantial Evidence – Evidence that was not reasonably available at the time of the original determination and that could significantly impact the findings.
- Disproportionate Sanctions – Sanctions that are excessively severe in relation to the violation or, in cases where the complainant is appealing, sanctions that are insufficient given the severity of the misconduct.
- Bias or Conflict of Interest (Title IX Cases Only) – The investigators, decision-makers, or Title IX Coordinator had an actual conflict of interest or demonstrated bias that may have materially impacted the findings or sanctioning process.

Appeals must be submitted in writing to the Director of Student Conduct and must include:

- A clear and concise statement outlining the specific grounds for appeal.
- Any supporting documentation or new evidence (if applicable).

Once received, the Director of Student Conduct will acknowledge the appeal and determine whether it was filed on time and meets the specific appeal criteria. Appeals that fail to meet the valid grounds for appeal will be denied without further review.

If the appeal is properly filed, the Director of Student Conduct will convene a three-member appellate panel to review the appeal. This panel is composed of trained faculty and staff from an established appeals panel pool. The appellate panel may allow impacted individuals (such as the complainant or respondent) to review the appeal and provide their perspectives in writing before making a decision. If multiple parties appeal, the panel will review all appeals as part of a single process.

The appellate panel does not re-hear cases but instead conducts a review of the existing case record and any new evidence presented in the appeal. The panel may consult the original investigator, hearing panel chair, or conduct officer to clarify issues related to the appeal.

Depending on the nature of the appeal, the appellate panel may take one of the following actions:

- Uphold the original decision regarding responsibility and sanctions.
- Modify the sanctions to ensure they are fair, proportionate, and appropriate given the circumstances.
- Remand the case for reconsideration, directing the original conduct officer or hearing panel to correct procedural errors, assess new evidence, or reassess the imposed sanctions.

A case will not be remanded more than once for reconsideration.

The appellate panel will endeavor to issue a written decision via email within ten (10) business days of receiving the appeal. If additional time is needed due to the complexity of the appeal or

availability of key information, the student will be notified in writing, and a revised timeline will be provided.

All appeal decisions are final. However, if a remand leads to a new decision, that new decision may be subject to one additional appeal under the same criteria.

## **VII. Sanctions**

Sanctions are designed to uphold Tulane University's values, promote accountability, and support a safe and respectful learning environment. The student conduct process emphasizes education, restoration, and community well-being while holding students responsible for their actions. Sanctions are intended to:

- Educate students about the impact of their behavior.
- Encourage ethical decision-making and future compliance with University policies.
- Restore harm caused to individuals or the Tulane community.
- Deter future violations through appropriate consequences.
- Ensure campus safety and uphold community standards.

Sanctions are applied on a case-by-case basis, considering the nature and severity of the violation, mitigating and aggravating factors, and the student's conduct history.

### **A. Types of Sanctions**

The following sanctions may be imposed individually or in combination, depending on the circumstances of the case:

#### **Educational and Developmental Sanctions**

1. **Reflection Assignments** – Writing assignments or projects designed to encourage self-reflection on the impact of one's actions.
2. **Workshops or Training Programs** – Required participation in educational sessions on topics such as alcohol use, conflict resolution, ethics, or community responsibility.
3. **Restorative Practices Measures** – Participation in restorative conferences, mediation, or community reconciliation efforts.
4. **Community Service** – Assignments benefiting the Tulane or New Orleans community, designed to reinforce responsibility and civic engagement.
5. **Mentorship or Coaching** – Required meetings with a faculty or staff mentor to discuss personal and academic development.
6. **Behavioral Intervention** – Required counseling, substance abuse treatment, drug testing, or other intervention services.

#### **Disciplinary Sanctions**

1. **Warning** – A formal written notice that a violation has occurred and that future misconduct may result in more severe sanctions.

2. **Disciplinary Probation** – A designated period during which a student must demonstrate good conduct. Further violations while on probation may result in suspension or expulsion.
3. **Loss of Privileges** – Temporary or permanent restriction of certain University privileges, such as leadership positions, participation in events, or access to facilities.
4. **University Housing Restrictions** – Reassignment, removal from campus housing, or restrictions on future housing eligibility.
5. **No-Contact Orders** – Prohibition of direct or indirect contact with specific individuals as a protective measure.
6. **Suspension** – Separation from the University for a specific period, after which the student may apply for readmission. Conditions for reinstatement may be required.
7. **Expulsion** – Permanent separation from the University with no opportunity for readmission.

### Organizational Sanctions

1. **Probationary Status** – The organization is placed on probation for a designated period and must adhere to specific behavioral expectations.
2. **Loss of Event Privileges** – Restrictions on hosting events, social functions, or organizational activities.
3. **Fines or Restitution** – Financial penalties or reimbursement for damages caused.
4. **Educational or Risk Management Training** – Required participation in training programs focused on organizational responsibility and risk reduction.
5. **Loss of University Recognition** – Revocation of the organization's registered status, preventing it from functioning as a recognized student group.

### Additional Remedies

In addition to disciplinary actions, the University may impose **remedial measures** designed to support affected individuals and the broader community. These may include:

- Adjustments to academic, housing, or employment arrangements.
- Campus safety measures, including escort services or changes in class schedules.
- Resources and support referrals to counseling, wellness programs, or advocacy services.

### B. Determining Sanctions

Sanctions are determined based on several factors, including:

1. **Severity of the Violation** – The seriousness of the behavior and the degree of harm caused.
2. **Intent and Motivation** – Whether the conduct was intentional, reckless, or negligent.
3. **Impact on the Community** – The extent to which the behavior affected others, including students, faculty, staff, and the broader Tulane community.
4. **Prior Conduct History** – Whether the student or organization has previous violations and their nature.
5. **Acceptance of Responsibility** – Whether the student or organization took accountability and demonstrated willingness to correct the behavior.

6. **Mitigating or Aggravating Circumstances** – Factors that lessen or increase the severity of the violation, such as efforts to repair harm or repeated violations.

### **C. Failure to Comply with Sanctions**

Failure to complete assigned sanctions within the required timeframe may result in:

- Additional sanctions, such as extended probation or increased restrictions.
- Holds on academic records, registration, or graduation eligibility.
- Referral for further disciplinary action, including suspension or expulsion.

The Office of Student Conduct is responsible for monitoring compliance with assigned sanctions and may impose additional consequences for non-compliance.

## **VII. Privacy, Confidentiality, Transparency, and Record-Keeping**

Tulane University administers the Student Code of Conduct in compliance with federal and state laws, including the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, the Violence Against Women Act (VAWA), and relevant University policies.

The University is committed to respecting student privacy in educational records. Sensitive student information is typically shared internally only among authorized administrators with a legitimate educational interest or externally only with the student's consent. However, in rare cases where there is an educational, safety, or wellness concern, or where legal requirements mandate disclosure, information may be shared without consent. This may occur in imminent safety risks or other legally defined circumstances.

Tulane also provides guidance to help students, employees, and third parties make informed decisions about when and with whom to share information. Some university relationships are confidential, including those with:

- Medical and clinical care providers at the Health Center for Student Care, including administrative staff supporting healthcare services.
- Mental health professionals at Counseling and Psychological Services (CAPS).
- Ordained clergy offering spiritual counseling under Louisiana law.

These professionals typically do not disclose information without the individual's consent except when legally required or permitted. Exceptions include:

1. When an individual provides written consent for disclosure.
2. If there is concern that the individual may cause serious physical harm to themselves or others.
3. If the information involves suspected abuse or neglect of a minor under 18.

Tulane trains administrators on properly sharing and safeguarding private information in compliance with state and federal laws, including FERPA, HIPAA, and Louisiana medical privacy

regulations. Students can find more details about confidential reporting options at <https://allin.tulane.edu/gethelp>.

Most Tulane employees—including faculty, athletic coaches, trainers, and Student Affairs staff—do not maintain confidential relationships with students. Instead, they serve as Responsible Employees, meaning they must report certain incidents to university administrators, such as the Title IX Coordinator in cases of discrimination or harassment. Responsible Employees are required to provide relevant details, such as dates, times, locations, and names of those involved. However, they are not required to report disclosures made:

- During public awareness events (e.g., Take Back the Night, vigils, survivor speak-outs, protests).
- In Institutional Review Board-approved research studies where students participate as subjects.
- In academic settings, such as classroom discussions or assignments.

Individuals always have the choice to report incidents to the University, law enforcement, both, or neither. Tulane supports students in understanding their options and making informed decisions about pursuing criminal, civil, or disciplinary action.

Tulane strives to balance privacy and transparency. While individual case details are protected, the university may share aggregate or redacted information to maintain transparency while safeguarding personal privacy. Community members are expected to respect the careful balance required to protect all parties involved. The improper disclosure of sensitive information or spreading false narratives can harm the educational environment and contradict Tulane's core values. Because of legal restrictions, Tulane may be unable to correct public misinformation or undo harm caused by improper disclosures.

Conduct records are maintained for seven years in accordance with legal and best practice guidelines. The University follows strict record-keeping procedures to ensure compliance with privacy laws and institutional standards.

### **VIII. Call for Help – Medical Amnesty Policy**

Tulane University is committed to fostering a community of care where students look out for one another and prioritize safety. Recognizing that alcohol and drug-related medical emergencies can be life-threatening, the University encourages students and student organizations to seek medical assistance without fear of disciplinary consequences for alcohol or drug use. This policy aims to remove barriers to seeking help, promote timely medical intervention, and provide education to reduce future risks.

Under Tulane's Call for Help – Medical Amnesty Policy, students who seek medical assistance for themselves or others will not face University conduct sanctions for alcohol or drug use, provided they comply with required educational follow-up. This Policy applies when assistance is sought in good faith for an alcohol- or drug-related medical emergency before the arrival of law

enforcement, Campus Security Authorities, University faculty, or staff. Both the student who makes the call for help and the student receiving medical attention are covered by this Policy. Recognized student organizations that seek medical assistance for an individual experiencing an alcohol- or drug-related emergency may receive mitigated conduct consequences rather than full amnesty.

Additionally, victims of crime, including sexual misconduct and other violent offenses, will not face disciplinary consequences for alcohol or drug use at the time of the incident. Tulane University recognizes that fear of punishment for substance use can discourage victims from reporting crimes or seeking assistance. As part of its commitment to student safety and well-being, the University prioritizes support and protection over punitive action in such cases.

While this policy waives University conduct consequences for alcohol and drug use, it does not provide amnesty for other violations, including the use of fake identification, causing or threatening physical harm, sexual misconduct or intimate partner violence, damage to property, unlawful provision or distribution of alcohol or drugs, harassment, hazing, or other violations of the Code of Student Conduct. Repeat incidents involving the same student or organization may result in additional interventions, including a higher level of review by the Office of Student Conduct.

To remain eligible for amnesty, the student who received medical assistance must complete an educational follow-up. The student will meet with a Case Manager to discuss the incident and receive referrals to appropriate resources, such as alcohol or drug education, assessment, or treatment. Failure to complete required educational steps may result in the revocation of amnesty and potential disciplinary action. Students who require medical transport will have their emergency contact notified. Student organizations must also comply with recommended risk management or educational measures. If an organization is involved in multiple incidents, it may be subject to further review, adjudication, or sanctioning by the Office of Student Conduct, which could include revocation of University recognition in serious cases.

Tulane University is committed to ensuring that students prioritize health and safety over fear of disciplinary action. The Call for Help – Medical Amnesty Policy reinforces this commitment by promoting responsible intervention, removing barriers to seeking medical care, and providing education to encourage informed decision-making.

## **IX. Notice of Equal Opportunity and Anti-Discrimination**

Tulane University is committed to fostering a safe, inclusive, and equitable learning environment where all students are treated with dignity and respect. The University prohibits discrimination, harassment, and retaliation on the basis of race, color, ethnicity, national origin, religion, sex, gender identity or expression, shared ancestry, sexual orientation, age, disability, genetic information, military or veteran status, or any other characteristic protected under federal, state, or local law. This commitment applies to all aspects of the student experience, including admissions,

academics, student organizations, housing, employment, and participation in university programs and activities.

Discriminatory conduct, harassment, or retaliation that interferes with a student's educational opportunities, creates a hostile environment, or otherwise violates university policy will not be tolerated. Tulane takes reports of discrimination and harassment seriously and responds promptly with appropriate supportive measures, investigations, and disciplinary action when warranted.

Students who experience or witness discrimination, harassment, or retaliation are encouraged to report the incident to Tulane's Office of Institutional Equity or the Title IX Coordinator. Reports may also be made to the Office of Student Conduct, which may initiate an investigation or refer the matter to the appropriate university office for further review.

The University complies with all applicable federal, state, and local laws, including but not limited to:

- Title VI and Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act
- The Age Discrimination Act of 1975
- The Violence Against Women Act (VAWA)

Tulane is dedicated to upholding these protections and ensuring that all students have access to a campus environment free from discrimination and harassment. Retaliation against any student for reporting a concern, participating in an investigation, or advocating for equal opportunity is strictly prohibited.

For more information, to report a concern, or to seek assistance, students may contact:

### **Equal Opportunity & Resolution Management**

Director: Tiffany Smith, JD

Email: [eo@tulane.edu](mailto:eo@tulane.edu)

Phone: (504) 862-8083

Address: 1555 Poydras Street, Suite 964, New Orleans, LA 70112

### **Title IX Coordinator**

Coordinator: Julia Broussard, Assistant Provost for Title IX Compliance and Education

Email: [titleix@tulane.edu](mailto:titleix@tulane.edu)

Phone: (504) 865-5611

Address: Jones Hall 308, Tulane University, New Orleans, LA 70118

### **Office of Student Conduct**

Director: Margaret E. Martin, JD

Email: [conduct@tulane.edu](mailto:conduct@tulane.edu)

Phone: (504) 865-5516

## **X. The Role of Families in Student Success**

Tulane University recognizes the vital role that families play in supporting student success. While students are encouraged to develop independence, families can provide essential guidance by understanding the challenges and opportunities that today's college students face. Higher education has evolved significantly in recent years, and a family's past experiences may not fully reflect what students encounter today.

We encourage parents and families to familiarize themselves with Tulane's student support services and discuss the University's Core Values with their students. By staying informed, families can help students navigate academic, social, and personal growth while ensuring they take full advantage of the resources available to them.

At Tulane, we aim to:

- Challenge students to think critically, solve problems, and make independent decisions.
- Encourage students to set goals, take responsibility for their actions, and engage with the community.
- Support students in exploring their values and learning to respect the perspectives of others.
- Promote accountability, resilience, and the ability to learn from challenges.
- Maintain a safe and inclusive campus environment.

If you are concerned about your student's well-being, we encourage you to contact the appropriate campus resources:

- Student Resources and Support Services: (504) 314-2160
- Counseling and Psychological Services: (504) 314-2277
- Tulane University Police Department:
  - Uptown Campus:
    - Emergency: (504) 865-5911
    - Non-Emergency: (504) 865-5381
  - Downtown Campus:
    - Emergency: (504) 988-5555
    - Non-Emergency: (504) 988-5531

Tulane University may also involve families in situations where students under 21 years old have committed alcohol or drug violations or if they engage in behaviors that pose a risk to themselves or others. However, it's important to note that federal laws, such as the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA), limit access to student records. If you have questions about these regulations and how we can still collaborate to support your student, please contact the Office of Student Conduct at [conduct@tulane.edu](mailto:conduct@tulane.edu).

We also encourage families to share relevant information with us. If your student had prior challenges or special needs that may impact their experience at Tulane, letting us know can help us provide the best possible support. By working together, we can create an environment where students thrive academically, socially, and personally.

## **XI. Interpretation of the Code**

The Tulane Code of Student Conduct is intended to be clear and self-explanatory. In the event of any dispute regarding its interpretation, the Dean of Students, or their designee, retains exclusive authority to interpret the Code. All interpretations made pursuant to this authority shall be final, binding, and not subject to further review or appeal.

## **XII. Revision of Code**

In general, the University reserves the right to update, modify, or apply Code as needed to support its educational mission, student well-being, and unique circumstances. The Code of Student Conduct shall be reviewed annually by the Dean of Students, or their designee. Any proposed revisions must first be reviewed by the University Senate Student Affairs Subcommittee, which will determine whether the proposed changes are minor or substantive.

A minor revision is any change that does not alter the intent, operation, or procedures of the conduct process. If a revision is determined to be minor, it may be enacted with the agreement of the Director of Student Conduct and the Vice President for Student Affairs, with final approval by the Provost.

A substantive revision is any change that impacts the conduct process or students' rights, unless required by federal, state, or local law or regulation. Substantive revisions follow this approval process:

- A. Proposed changes are reviewed by staff, students, and faculty involved in the conduct process, as well as General Counsel, the Provost's Office, Student Affairs senior leadership, and the Student Affairs Committee of the Senate (SACS).
- B. SACS reviews the proposed revisions and submits recommendations to the University Senate.
- C. The University Senate evaluates and acts upon SACS recommendations.
- D. The University Senate's decision is forwarded to the Provost for review.

- E. The Provost submits the SACS recommendations and University Senate actions to the President's Cabinet for final consideration.
- F. Final approval of substantive revisions rests with the President's Cabinet.

This process does not apply to revisions required for legal compliance due to changes in the law. Such revisions may be made at the University's sole discretion without following the outlined procedure.

# Appendix A:

## Amendment to the Code of Student Conduct Regarding Title IX Sexual Harassment and Major Matters of Sexual Misconduct

### Part I: Policy

#### A. Purpose

Tulane's motto, 'Not for One's Self, But for One's Own,' expresses the care and safety we collectively strive to provide for each and every member of our community. In this spirit, Tulane affirms the right of all students to access an education free of sexual misconduct and violence. As with all other forms of misconduct committed by students, sexual misconduct is governed by our Code of Student Conduct. However, unlike the other forms of misconduct outlined in Part VI of the Code, sexual misconduct is subject not only to Tulane's rules; there is an overlap with Title IX of the Education Amendments Act of 1972, a law that prohibits discrimination on the basis of sex in education.

Title IX of the Education Amendments Act of 1972 states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Some forms of sexual misconduct fall within the Title IX; some do not. This Appendix focuses on the intersection of Tulane's policies and procedures and the federal requirements for Title IX compliance. The purpose of this Appendix is to articulate Tulane University's response to allegations of Sexual Harassment consistent with Title IX, specifically the May 2020 amendments to the Title IX regulations regarding Sexual Harassment.

Title IX applies to conduct that occurs within Tulane's Education Program or Activity. The term Education Program or Activity includes all of Tulane's operations, including locations, events, or circumstances over which Tulane exercised substantial control over both the Respondent and the context in which the Prohibited Conduct occurred; and any building owned or controlled by a student organization that is officially recognized by Tulane. The Title IX regulations, which direct Tulane's response to Sexual Harassment as defined by the Title IX regulations, do not draw a line between on campus, off campus, or online, provided the conduct occurred in an Education Program or Activity in the United States. Examples may include Tulane-sponsored, Tulane-funded or otherwise Tulane-supported study off campus, research, internship, mentorship, summer session, conferences, meetings, social events, or other affiliated programs or premises.

**To that end:** This policy uses the umbrella term *Sexual Harassment* to refer only to the conduct captured by the Title IX regulations and *Sexual Misconduct* as an umbrella term for any reported misconduct regardless of if it falls within Title IX or not.

As explained below in the definitions of sexual misconduct, Tulane will determine if a report of sexual misconduct falls within Title IX or not because that determines if the report will be processed like all other forms of misconduct in the Code or if it is subject to the procedures that the Department of Education mandated in its 2020 May regulations. For reports falling within the 2020 Title IX regulations, Tulane will use the Title IX Grievance Process that is provided below.

The policy and procedures for other forms of sexual discrimination under Title IX are still articulated in the Tulane University Equal Opportunity & Anti-Discrimination Policy.

The compliance requirements mandated by the Department of Education are complicated, and the interaction between Title IX Sexual Harassment and non-Title IX sexual misconduct can seem complex. We acknowledge that this is potentially a complicated and intimidating process, in particular for students. That can be magnified if a student is impacted by trauma, stress, or emotions. Tulane has information about support options, both confidential and private, available at the University and in the community available at the [All In website](#).

We also strongly encourage all individuals who have questions about the information in this Appendix to please contact the Title IX Coordinator or Deputy Title IX Coordinators listed in the Title IX Coordinator section. The Office of Student Conduct (Student Conduct) can answer any questions regarding the student resolution options through either Alternative Resolution Options or the Formal Grievance Procedure; Case Management & Victim Support Services (CMVSS) can answer any questions regarding Supportive Measures available to student Complainants and Respondents. The Tulane Equal Opportunity & Resolution Management team can answer any questions regarding employee Supportive Measures and grievance procedures under Title IX or Title VII.

## B. Implementation

The definitions and processes described in this Appendix took effect on August 14, 2020. This does not retroactively apply to cases that were resolved prior to the implementation date. If a person makes a complaint after this policy is implemented about an incident(s) that occurred prior to August 14, 2020, the procedures articulated in this policy will apply while the definitions of sexual misconduct will come from the policies that were in effect at the time of the incident.

Title IX is an area of the law where it is not unusual for there to be regulatory changes or legal decisions that impact our policies and processes. If there is a change in the regulatory obligations or how Tulane should be compliant with Title IX, the University will reevaluate the applicability of this policy and its associated procedures.

## C. Prohibited Sexual Misconduct

### 1. Prohibited Conduct Subject to Tulane's Code of Student Conduct

As stated in Part VI of the Code of Student Conduct, sexual misconduct is prohibited. Tulane defines the following as forms of sexual misconduct which are subject to the response and adjudication procedures that are explained in the Code:

## 1. Sexual Harassment

Sexual Harassment is:

- a. Any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, electronic, or otherwise (Sexual Harassment); or, any act of intimidation or hostility, whether verbal or non-verbal, graphic, physical, or otherwise based on sex or gender, sexual orientation, gender identity, or gender expression, even if the acts do not involve conduct of a sexual nature (gender-based harassment), when one or more of the following conditions are present:
  - i. Submission to or rejection of such conduct is either an explicit or implicit term or condition of, or is used as the basis for decisions affecting, an individual's employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of a Tulane program or activity (quid pro quo); or
  - ii. The conduct is sufficiently severe, pervasive, or persistent that it has the purpose or effect of unreasonably interfering with, limiting or depriving an individual from participating in or benefiting from Tulane's learning, working, or residential programs under both an objective and subjective standard (hostile environment).

In evaluating whether a hostile environment exists, Tulane will evaluate the totality of known circumstances, including, but not limited to:

- the frequency, nature and severity of the conduct;
- whether the conduct was physically threatening;
- the effect of the conduct on the Complainant's mental or emotional state;
- whether the conduct was directed at more than one person;
- whether the conduct arose in the context of other discriminatory conduct;
- whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or Tulane programs or activities;
- whether the conduct implicates academic freedom or protected speech; and,
- other relevant factors that may arise from consideration of the reported facts and circumstances.

## 2. Sexual Assault

Sexual Assault is having or attempting to have sexual contact with another individual without consent or where the individual cannot consent because of age or temporary or permanent mental incapacity.

- a. *Sexual contact* includes:
  - i. Sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight;

- ii. Sexual touching of the private body parts, including, but not limited to, contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body for the purpose of sexual gratification; and attempts to commit sexual assault.
- b. Consent
  - i. *Consent* is defined as being:
    - 1. informed (knowing);
    - 2. voluntary (freely given); and
    - 3. 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.
  - ii. Consent cannot be obtained by Force. Force includes: the use of physical violence, threats, intimidation, and/or coercion.
    - 1. 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.
    - 2. 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.
    - 3. 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).
    - 4. 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:
      - 1. the frequency of the application of the pressure,
      - 2. the intensity of the pressure,
      - 3. the degree of isolation of the person being pressured, and
      - 4. the duration of the pressure.
  - iii. 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 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.
  - iv. Being impaired by alcohol or other drugs is not a defense to not obtaining consent.

3. Dating Violence

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

4. Domestic Violence

Domestic Violence includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction and includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who:

- a. is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- b. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- c. shares a child in common with the victim; or
- d. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

5. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

- a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

2. Prohibited Conduct Subject to Title IX

Some forms of sexual misconduct prohibited by Tulane's Code are also within the scope of Title IX Sexual Harassment, as defined in the 2020 regulations.

The Title IX regulations define Sexual Harassment as conduct on the basis of sex that must satisfy one or more of the following:

1. A Tulane employee conditions the provision of an aid, benefit, or service of Tulane on an individual's participating in unwelcome sexual conduct; or
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 Tulane's education program or activity; or
3. As defined above in Section C(1), any incident(s) of Sexual Assault, Dating Violence, Domestic Violence, and Stalking, that occurs within within *Tulane's Education Program or Activity*.
  - a. The statutory definition of sexual assault referenced by the Title IX regulations also includes having or attempting to have sexual contact between persons who are related to each other within the degrees where marriage is prohibited by law.

Reported sexual misconduct is considered to have occurred within a Tulane Education Program or Activity if the answer to all of the following questions is yes::

1. Does Tulane have substantial control over the Respondent? And,
2. Does Tulane have substantial control over the context in which the conduct is reported to have occurred; or did the conduct occur in a building owned or controlled by a student organization that is officially recognized by Tulane? And,
3. Is the Complainant currently participating or attempting to participate in a Tulane Education Program or Activity?
4. Did the reported conduct occur in the United States?
5. Would the facts set forth by the report, *if substantiated*, constitute a violation of Sexual Harassment as defined by the Title IX regulations?

Student conduct that meets this definition must be resolved using the Title IX Grievance Procedures articulated in this Appendix. More information on the reporting process and how Tulane evaluates reports with this criteria to determine if it is Title IX Sexual Harassment or sexual misconduct subject to the Code can be found in Part I, Section G of this Appendix.

## D. Resources and Reporting

Choosing to disclose Sexual Harassment, let alone file a Formal Complaint to initiate a Grievance Procedure, is a personal decision. Tulane wants to ensure that students are well informed and supported in their decision to disclose and in their decisions around participating in a Grievance Procedure. Tulane has amassed a list of trained resources available to provide support and guidance thorough the initiation, investigation, and resolution of a report of Title IX Sexual Harassment as well as any other sexual misconduct at the [All In website](#).

Any individual who is uncertain what they wish to do in response to an alleged incident of Sexual Harassment, including how or whether to report the conduct, is encouraged to contact and consult a Confidential Resource to address questions and concerns in a confidential setting. The [All In website](#) also has a list of Confidential Resources at Tulane and in the New Orleans community and nationally that students may turn to instead of the University.

Students may choose to either disclose incidents of Sexual Harassment and violence in a Report directly to the Title IX Coordinator or other designated response offices; or to any other non-

confidential employee at Tulane. Either route a student chooses will lead to prompt outreach from CMVSS.

### 1. Direct Reporting to Tulane

A Report is any official notification made to the Title IX Coordinator regarding incidents of sexual misconduct. **A Report is not the same as a Formal Complaint to initiate the Title IX Grievance Procedures.**

Individuals with questions or concerns about Tulane's processes may also contact the Title IX Coordinator directly as part of reporting an incident to Tulane. Any individual may make a report of sexual misconduct under this policy regardless of affiliation with Tulane and regardless of whether or not the person reporting is the person alleged to be the victim of conduct. Reports can be made via the university's centralized online Concerns Form, found at [tulane.edu/concerns](http://tulane.edu/concerns) and is available 7 days a week, 24 hours a day, 365 days a year.

Additionally, reports can be made in person or via Zoom, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. A report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator here:

Tulane has designated Julia Broussard the University's Title IX Coordinator; she can be contacted at (504) 865-5611 or [TitleIX@tulane.edu](mailto:TitleIX@tulane.edu); mail can be sent to 308 Jones Hall, 6832 St. Charles Avenue, New Orleans LA, 70118.

Tulane has also designated Ruth Riley, Erica Woodley, and Michelle Coxen-Sanchez as Deputy Title IX Coordinators.

Ruth Riley  
Assistant Vice President, The Office of Human Resources  
The Office of Human Resources  
1555 Poydras St., Suite 964  
New Orleans, LA 70112  
(504) 862-8083

Erica Woodley  
Assistant Vice President & Dean of Students, Student Resources and Support Services  
Student Affairs  
Lavin-Bernick Center, Suite G02  
New Orleans, LA 70118  
(504) 314-2160

Michelle Coxen-Sanchez  
Associate Director, Title IX  
Jones Hall, suite 308  
New Orleans, LA 70118

Reports made to the Title IX Coordinator involving students are protected by the Family Education Right to Privacy Act (FERPA) and are not shared with anyone without a need to know to enact Supportive Measures or coordinate other forms of care and response.

Individuals may also report to those at Tulane who are designated with the authority to institute corrective measures on behalf of the University. The University has designated the staff in the following offices as those who can institute corrective measures on behalf of the University as these are the first-line responding employees to issues of sexual discrimination, harassment, and violence on campus: the Office of Student Conduct, Equal Opportunity & Resolution Management, those individuals serving in the Student Affairs Professional On Call rotation, the Tulane University Police Department, and the Office of Case Management & Victim Support Services. These offices will receive a Report from an individual and notify the Title IX Coordinator.

## 2. Title IX Care Connections by Employees

To fulfill their mandate to share information as stated in Part V of the Equal Opportunity & Anti-Discrimination Policy, Employees (including Resident Assistants) who are not confidential are required to make a “Care Connection” via the Tulane Concerns Form ([tulane.edu/concerns](https://tulane.edu/concerns)) so the University may make supportive outreach to any known impacted individuals. Supportive outreach for students comes from the Office of Case Management & Victim Support Services (CMVSS); supportive outreach for employees comes from Equal Opportunity & Resolution Management. The Title IX Coordinator is copied on Care Connections submissions and will gatekeep whether the incident falls within Title IX or not (as outlined below in Section G) so that CMVSS/Equal Opportunity & Resolution Management may fully discuss which (if any) University resolution processes are available to Complainants.

Supportive outreach is offered to all students and employees, regardless if the incident falls within the jurisdiction of Title IX or the Code of Student Conduct. Students can decline to meet with CMVSS about the incident in the Care Connection. If a student declines to meet, they will receive an email outlining options for support if the student would need assistance in the future.

**Exceptions:** Faculty are not required to make a Care Connection in response to disclosures made within the academic context, namely within classroom discussion or activities or in assignments (e.g., class journals, essays, creative nonfiction, etc.). If a faculty member is unsure if a disclosure should be exempted or not, please contact the Title IX Coordinator. Note that while faculty members do not need to share forward disclosures in the academic context, they can still choose to do so if they feel it is appropriate to connect a student to care and support.

Please go to the [All In website](#) to learn more about the Employee Care Connection requirement, including syllabus language on Title IX, explanation videos, and further training on how to best respond to student disclosures of sexual harassment and violence.

### 3. Retaliation and Privacy Protections

In addition to the prohibition on Retaliation found in the Code of Student Conduct, neither Tulane nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a Report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.

Intimidation, threats, coercion, or discrimination for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. This includes charges against an individual for other conduct violations that do not involve sex discrimination or Sexual Harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a Report or Formal Complaint of Sexual Harassment.

### 4. Amnesty Provisions

The Code of Student Conduct is intended to provide all students with the ability to participate in the student conduct process and to seek assistance from the University as needed. In order to encourage students to disclose all relevant information, the University reserves the discretion to refrain from taking disciplinary action against any individual (including a witness or a third party) who shares information in the interest of any individual's health and safety or in the interest of the Core Values set forth in this Code. This includes, but is not limited to, amnesty for the consumption of alcohol or other drugs at or near the time of any incident. 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. Amnesty may not be given if individuals or groups engage in deceptive behavior, have a significant delay in response or in any way endanger the safety of another. The Dean of Students, or designee, has final say as to whether amnesty should apply.

## E. Supportive Measures and Emergency Removals

### 1. Supportive Measures

Supportive Measures are individualized services offered to Complainants and Respondents that are offered as appropriate and reasonably available to restore or preserve equal access to Tulane's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Tulane's educational environment, or deter sexual misconduct. Supportive Measures are available regardless of whether a report of sexual misconduct involves Title IX or not; they are also available regardless of whether a Complainant wants to move forward with a Formal Complaint.

When Tulane has notice of potential Title IX Sexual Harassment, the University will inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint and explain to the Complainant the process for filing a Formal Complaint.

Supportive Measures are non-disciplinary, non-punitive individualized measures offered as appropriate, as reasonably available and without fee or charge to the Complainant or Respondent. They may include:

- Access to counseling services and assistance in setting up initial appointments, both on and off campus
- Imposition of mutual Contact Restriction, also known as a No Contact Order
- 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 on-campus work schedule or job assignment
- Change in student's campus housing, as reasonably available
- Assistance from University support staff in exploring alternative housing options
- Access modifications to certain University facilities or activities pending resolution of the matter
- Voluntary leave of absence
- Providing an escort to assure safe movement on-campus between classes and activities
- Arranging for medical services
- Providing academic support services, such as tutoring

Tulane will consider a number of factors in determining which Supportive Measures to take, including the needs of the student seeking Supportive Measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the Complainant; whether the Complainant and the Respondent share the same residence hall, academic course(s), or on-campus job location(s); and whether judicial measures have been taken to protect the Complainant (e.g., protective orders).

Complainants and Respondents shall notify Tulane of the existence of any judicially-issued protective orders in place between the parties. While Tulane is not a party to such orders, it will attempt to facilitate the parties' compliance with such orders to the extent that doing so is within Tulane's authority. It is ultimately the responsibility of a Complainant or Respondent to comply with judicially-issued protective orders, including elements of such orders that impact the Complainant's or Respondent's ability to reside on campus or attend class in-person.

The Title IX Coordinator has designated the office of Case Management & Victim Support Services (CMVSS) within the Division of Student Affairs to administer the offer and implementation of Supportive Measures for student Complainants and Respondents.

Once a Supportive Measure is put into place, the Title IX Coordinator is responsible for ensuring the implementation of Supportive Measures. Students should therefore notify the Title IX Coordinator of any issues with the implementation of a supportive measure (for example, if a faculty member is not implementing a Supportive Measure in the classroom). Additionally, if a student feels as though they have been denied a reasonable Supportive Measure by CMVSS, they may file an appeal with the Title IX Coordinator.

Tulane will maintain the privacy of any Supportive Measures provided under this Appendix to the extent practicable and will promptly address any violation of protective measures.

The process for offering and implementing Supportive Measures to students and related other individuals is as follows:

- Complainants. Upon receipt of a student disclosure of sexual misconduct, regardless of whether it falls within Title IX, CMVSS will promptly contact the Complainant and invite them to speak with a case manager to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. Complainants who either wish to or file a formal complaint with the university but have their complaints dismissed because of one of the reasons explained in the Dismissal section may be able to pursue conduct action through the Code of Student Conduct or Equal Opportunity & Anti-Discrimination Policy; Complainants will be informed of that option, as well as their option to appeal a complaint's dismissal. In addition to an in-person meeting, Tulane will provide the Complainant with written information about resources, procedural options, and reasonably available Supportive Measures. This written information shall include a notification about the process for seeking disability-based accommodations, academic adjustments, and/or auxiliary aids under Section 504 of the Rehabilitation Act and/or the Americans with Disabilities Act.
- Respondents. Once a student has been named in a formal complaint and/or received notice that they are a Respondent in a Title IX matter, CMVSS will contact the Respondent and invite them to speak with a case manager to learn about supportive measures available and the Title IX grievance procedure.
- Third Parties. Tulane will also provide Supportive Measures for Third Parties, provided that the Supportive Measures are within the scope of that individual's relationship to Tulane and are reasonably available.

## 2. Emergency Removal

Based on the information in a Report, or information subsequently learned, the University may remove a Respondent from Tulane's education program or activity (including placing a non-student employee Respondent on administrative leave during the grievance process) on an emergency basis.

An Emergency Removal requires that the University undertake an individualized safety and risk analysis and then determine if a removal is warranted due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment. This analysis will be conducted by the University's Behavioral Intervention Team with a final determination regarding removal made by a Deputy Title IX Coordinator (either the Deputy for Students or Deputy for Employees, depending on the Respondent's identity). The Respondent will be notified in writing as to the determination and reasoning for the removal decision; this notice will also detail how the Respondent can choose to file an appeal immediately following the removal. All emergency removal appeals will be heard by the Title IX Coordinator within thirty-six (36) hours of submission and a decision returned in writing to the Respondent.

If the removal directly relates to the Complainant, the Complainant will be notified if a Respondent has been subjected to an Emergency Removal and the outcome of any appeals the Respondent files to challenge their removal. If the Respondent files an appeal to a removal decision, the Complainant will have twenty-four (24) hours to provide information for consideration of the appeal. Removals will be re-evaluated on a weekly basis by the Behavioral Intervention Team.

## F. Response to Reports and Formal Complaints for Title IX Sexual Harassment

### 1. Response to Reports

While the process for providing support to students involved in reports of sexual misconduct is the same for all reports, Tulane has different procedures to follow for how to resolve a report using our adjudication systems depending on if the report alleges sexual misconduct that is subject to the Code of Student Conduct or conduct that would meet the definition of Title IX Sexual Harassment.

Reports of sexual misconduct are routed to the Title IX Coordinator and to Case Management and Victim Support Services (CMVSS) to initiate the University's response. While CMVSS makes supportive outreach in the manner explained in the above section, the Title IX Coordinator conducts a gatekeeping evaluation of the Report to determine whether it falls within the bounds of Title IX.

**This gatekeeping evaluation occurs whether a Formal Complaint has been filed or not, and students will be informed whether their allegations fall within the jurisdiction of Title IX in the initial supportive outreach meeting and/or before filing a Formal Complaint whenever possible.** Please note that it is not unusual for the Title IX Coordinator to need more information to determine whether a report falls within the definition of Title IX Sexual Harassment. Once more information is gathered and a determination is made, the Complainant will be notified promptly. Whether or not a matter falls within Title IX does not change the outreach and support offered to impacted students, and students will be told about all potential adjudication options.

When a Complainant is contacted following either a report of sexual misconduct or a Care Connection, along with the information about Supportive Measures, Complainants are provided information on the available adjudication options (through either the Code of Student Conduct or the Title IX Grievance Procedure). If the report involves Title IX Sexual Harassment, they will be told how to file a Formal Complaint to initiate a Title IX resolution process: either an informal Alternative Resolution Option or the formal Title IX Grievance Procedure.

### 2. Formal Complaints

A signed Formal Complaint is required to initiate any Title IX resolution process where a binding decision can be issued (whether informal Alternative Resolution or the formal Title IX Grievance Process). A Formal Complaint is a document submitted to the Title IX Coordinator by the Complainant alleging that a Respondent engaged in Prohibited Conduct and requesting an investigation. The preferred format to submit a Formal Complaint is online at [https://cm.maxient.com/reportingform.php?TulaneUniv&layout\\_id=23](https://cm.maxient.com/reportingform.php?TulaneUniv&layout_id=23). However, it may be submitted to the Title IX Coordinator in person, by mail, or by electronic mail as well. The Complainant may also contact the Title IX Coordinator directly for assistance.

Additionally, a Report may allege certain facts that compel Tulane to continue forward with an investigation if not file a Formal Complaint despite the Complainant choosing not to sign a Formal Complaint. Such circumstances may be present where a risk of imminent harm to an individual or others or a threat to the physical health and safety of the campus is determined to exist. After an evaluation of the available information, if such circumstances are present, a Formal Complaint can be filed and signed by the Title IX Coordinator to continue the resolution process. If a Formal Complaint is

initiated without the Complainant's participation, the Complainant will be notified and given an explanation of why the University is compelled to continue. Absent such extraordinary circumstances, the University will not proceed with its Formal Grievance Procedure without a participating Complainant.

Tulane may consolidate Formal Complaints 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 Prohibited Conduct arise out of the same facts or circumstances.

## G. Determining if Title IX Applies

The Title IX Coordinator or designee will be responsible for determining whether the reported conduct falls within Title IX jurisdiction as defined by the Title IX regulations. If so, Tulane may move forward with a filed Formal Complaint process as described in the previous section. If not, Tulane may be required to dismiss any Formal Complaint and route any adjudication of alleged misconduct instead through the Code's procedures for sexual misconduct. The Title IX Coordinator will evaluate reasonably available information to make the following determinations:

- Did the reported conduct occur within Tulane's Education Program or Activity? This must be answered in three parts:
  - a. Does Tulane have substantial control over the Respondent? *And*,
  - b. Does Tulane have substantial control over the context in which the conduct is reported to have occurred; or did the conduct occur in a building owned or controlled by a student organization that is officially recognized by Tulane? *And*,
  - c. Is the Complainant currently participating or attempting to participate in a Tulane Education Program or Activity?
- Did the reported conduct occur in the United States?
- Would the facts set forth by the report, if substantiated, constitute a violation of Sexual Harassment as defined by the Title IX regulations in Part I(C)(2) of this Appendix?

Based on the answers to these questions, the Title IX Coordinator will make a determination about scope and process. This is a threshold determination regarding scope and jurisdiction, which will determine appropriate next steps as follows:

- Where the answer to these three questions is **yes, and** a Formal Complaint is filed, Tulane will follow the formal Grievance Procedure required by the Title IX regulations and articulated in this Appendix in Part II. The Title IX Grievance Process includes a hearing with cross-examination by each parties' advisors, different evidence rules, and limitations on the use of statements that have not been subject to cross-examination. The hearing will allow the participants to simultaneously see and hear each other but may be conducted remotely through videoconferencing technology.
- Where the answer to any of these three questions is **no, and** a Formal Complaint has been filed, Tulane will dismiss the allegations in the Formal Complaint related to Sexual Harassment as defined in the Title IX regulations in Part I(C) C of the Appendix. Tulane will proceed with a Student Conduct resolution process for any other allegations that, if true, may constitute prohibited conduct outside of the Title IX regulations; this includes non-sexual misconduct. Please refer to the Code of Student Conduct's Sections VII for the articulation of the Student Conduct Process.

The Title IX Coordinator or designee will provide written notice of the determination as to scope and jurisdiction to the Complainant or Reporting Party, refer that individual to the appropriate resources, including local law enforcement resources as applicable, and provide reasonably available Supportive Measures.

In the event a Respondent is charged with a non-sexual misconduct violation that is related to the report of Sexual Harassment, Student Conduct may also investigate and resolve the related conduct charge. If the Respondent is charged with a violation of another Tulane policy that is unrelated to the alleged violation of Title IX Sexual Harassment, Student Conduct shall coordinate its investigation and resolution as appropriate with any such investigation or resolution under the other applicable Tulane policy.

## H. Appeals of the Dismissal of Formal Complaints

If a Complainant or Respondent would like to appeal the Title IX Coordinator's decision to dismiss a Formal Complaint, they may submit an appeal to the Senior Vice President for Academic Affairs and Provost or their designee within one week of receiving the dismissal. The other party will be notified about the filing of the appeal and will then have one week to provide information for consideration of the appeal. The Provost, or their designee, will return a decision on the appeal within one week of receiving all information, notifying both parties simultaneously of the outcome.

## Part Two: Title IX Grievance Process

When a report of sexual misconduct is determined to fall within Title IX's definition for Sexual Harassment, it is no longer merely subject to Tulane's Code. The Department of Education has very specific rules for how Title IX Sexual Harassment must be handled. The investigation of Title IX Sexual Harassment matters is dictated by the May 2020 Amendments to the Title IX Federal Regulations (34 C.F.R. part 106) and is articulated in the process here. The University is committed to providing a prompt and impartial investigation and adjudication of all Formal Complaints alleging violations of this policy. During the Grievance Process, both parties (Complainant and Respondent) have equal rights to participate.

For those who are unsure of the differences between this process and the one the Code uses to adjudicate Major Matters (that is, where the majority of non-Title IX sexual misconduct will be handled), please consult the reference checklist available at the end of this appendix that helps clarify the similarities and differences between the two.

### A. Presumptions of Good Faith and Non-Responsibility

The University presumes that reports of prohibited conduct are made in good faith. A finding that the alleged behavior does not constitute a violation of this policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith. Further, Tulane makes no determinations as to the outcome of an allegation until the completion of an investigation; this includes a presumption that the Respondent is not responsible for the alleged

conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

In all proceedings under this policy, including at the hearing, the Complainant, the Respondent, and the witnesses and other individuals sharing information are expected to provide truthful information.

## B. Advisors

Throughout the Grievance Process, each party may have an Advisor of their choice; parties may change their advisor at any time during the Grievance Process. An Advisor is an individual chosen by a Complainant or a Respondent to provide guidance during the grievance process. An advisor may be a member or non-member of the University community and may be an attorney.

The role of the advisor is narrow in scope: the Advisor may attend any interview or meeting connected with the Grievance Process, but the Advisor may not actively participate in interviews and may not serve as a proxy for the party, including in communications to the University. The Advisor may attend the hearing and may conduct cross-examination of the other party and any witnesses at the hearing; otherwise, the Advisor may not actively participate in the hearing.

If a party does not have an Advisor present at the hearing to conduct cross examination, the University will provide without fee or charge to that party an advisor selected by the University (who may be, but is not required to be, an attorney) to conduct cross-examination of the other party and/or any witnesses.

Any individual who serves as an advisor is expected to make themselves available for meetings and interviews throughout the investigation process, as well as the hearing, as scheduled by the University. The University (including any official acting on behalf of the University such as an investigator or a hearing panelist) has the right at all times to determine what constitutes appropriate behavior on the part of an advisor and to take appropriate steps to ensure compliance with this policy.

Tulane allows Complainants and Respondents to appoint an additional *support person* of their choice to attend the live hearing. This support person also has no formal role in the process and may not actively participate in the hearing (including speaking) in any way.

Advisors are concerned with ensuring that students are able to respond to the information presented in the hearing; a support person is concerned only with the student and their wellbeing during what can be a stressful and emotional procedure. The University (including any official acting on behalf of the University such as an investigator or a hearing panelist) has the right at all times to determine what constitutes appropriate behavior on the part of an advisor and to take appropriate steps to ensure compliance with this policy.

## C. Procedural Review

A Procedural Review is an informational meeting where the Director of Student Conduct overviews Tulane's investigation and adjudication procedures.

A Procedural Review can happen before or after a Formal Complaint has been filed. Having a Procedural Review does not initiate the conduct process unless a Complainant expressly states they want to initiate that process; in Title IX matters, the conduct process cannot be initiated without a signed Formal Complaint. While a Complainant can file a Formal Complaint without having a Procedural Review first, it is strongly encouraged. Complainants will be given the information to file a Formal Complaint following their Procedural Review. If a Formal Complaint is filed before a Procedural Review, one will be scheduled promptly. Respondents will be contacted for a Procedural Review following the notice of investigation.

As explained in the Code, Procedural Reviews are available for all conduct cases, not just sexual misconduct and/or Title IX Sexual Harassment, and for both Complainants and Respondents. During the Procedural Review, students will learn about the conduct investigation process in detail, including all rights, privileges, and responsibilities.

Students will also learn about the available Supportive Measures in place to help students navigate this process. Students will also learn details about communication and timeline. Students will receive a written summary of the meeting for their reference. Advisors may also join students in this meeting.

#### D. Informal Resolution Process

Subject to the consent of the parties and the approval of the Title IX Coordinator, the University permits informal resolution processes in cases in which a formal complaint has been filed with the Title IX Coordinator. Subject to approval by the Title IX Coordinator, the informal resolution process is available in matters involving a student Complainant and a student Respondent as well as in matters involving a faculty/staff Complainant and a faculty/staff Respondent; the informal resolution process is not available in matters involving a student and an employee.

The informal resolution process is a voluntary, remedies-based process designed to provide parties with an option to resolve disputes with other students in a forum that is separate and distinct from the University's formal grievance processes under the Title IX Sexual Harassment policy. The purpose of the informal resolution process is to address the conduct which has been reported by the Complainant and place the parties in a position to pursue their academic and non-academic interests in a safe, respectful, and productive educational and working environment. Under this process, there will be no disciplinary action taken against a Respondent and the resolution will not appear on the Respondent's disciplinary record unless both parties agree to these outcomes.

The University may facilitate the informal resolution process prior to conducting a hearing. Before the informal resolution process is used, both parties must provide voluntary, written consent to the informal resolution process and must receive written notice disclosing: the allegations, the requirements of the informal resolution process (including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations), and any outcomes resulting from participating in the informal resolution process (including the records that will be maintained or could be shared). At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX Sexual Harassment grievance process with respect to the formal complaint.

The University will 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 of Title IX Sexual Harassment. Similarly, the University will not require, encourage, or discourage the parties from participating in the informal resolution process.

## E. Investigation

Following the receipt and review of the formal complaint by the Title IX Coordinator, and it being determined that the matter properly falls under this Title IX Sexual Harassment policy, the parties will be informed in writing of the initiation of the investigation. The written information shall include:

- The identities of the parties, if known.
- A concise summary of the alleged conduct at issue (including when and where it occurred, if known).
- Notice of the allegations potentially constituting Title IX Sexual Harassment.
- A statement that the Respondent is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement informing the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
- A statement informing the parties that they may request to inspect and review evidence.
- A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process may constitute a violation of University policy.
- Information regarding the applicable grievance procedures, including the informal resolution process.

If, during the investigation, additional information is disclosed that may also constitute prohibited conduct under this policy, the Respondent and Complainant will be informed in writing that such additional information will be included in the grievance process.

This investigation process will continue forward as explained absent the parties agreeing to use an informal resolution.

## F. Collection of Evidence

The investigators will collect information from each party. While the Complainant and the Respondent are not restricted from gathering and presenting relevant evidence, the investigators are responsible for gathering relevant evidence to the extent reasonably possible. However, each party will be given an equal opportunity to suggest witnesses; provide other relevant information, such as documents, communications, photographs, and other evidence; and suggest questions to be posed to the other party or witnesses. Parties and witnesses are expected to provide all available relevant evidence to the investigators during the investigation. If a party or witness fails to provide available relevant evidence during the investigation, such evidence may, at the discretion of the Decision Maker, be excluded from consideration at the hearing. While parties are not restricted from presenting information attesting to the parties' character, such evidence generally is not considered relevant.

Investigators will draft a complete investigative report, outlining material facts (those in dispute and not in dispute); collecting all Respondent, Complainant and relevant witness and impact statements;

asking any needed follow up questions; and collecting and organizing all relevant evidence. The investigator will evaluate all relevant evidence – including both inculpatory and exculpatory evidence. This report will be reviewed by the Director of Student Conduct and the Title IX Coordinator for compliance and consistency purposes.

Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

## G. Hearing Process

The report will then be turned over to a separate Decision Maker for adjudication. The Decision Maker may gather additional information, including speaking with any identified party.

The Decision Maker will then preside over a live hearing, in which advisors of both the Respondent and Complainant may cross-examine any individual that has made a statement or provided evidence, including any and all available witnesses, the Respondent, or the Complainant. Each party must be represented by an advisor. If the Complainant or Respondent does not have an advisor, the University will provide one. If the student's chosen advisor does not appear, the University will appoint an advisor to provide cross-examination of the evidence on the student's behalf. The Decision Maker will determine if a question or evidence is relevant or admissible. The Decision Maker may question witnesses, the Respondent and Complainant. At no time will advisors answer on behalf of their students.

The Decision Maker will have absolute discretion with respect to administering the hearing. The Decision Maker will decide whether evidence and witnesses are relevant or irrelevant, with the understanding that the introduction of relevant evidence and witnesses will always be permitted. The Decision Maker will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or advisor.

While the hearing is not intended to be a repeat of the investigation, the parties will be provided with an equal opportunity for their advisors to conduct cross examination of the other party and/or of relevant witnesses. A typical hearing may include brief opening remarks by the Decision Maker; questions posed by the Decision Maker to one or both of the parties; questions posed by the Decision Maker to any relevant witnesses; and cross-examination by either party's advisor of the other party and relevant witnesses.

The parties' advisors will have the opportunity to cross examine the other party (and witnesses, if any). Such cross examination must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.

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

Before a party or witness answers a cross-examination question that has been posed by a party's advisor, the Decision Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If the Complainant or the Respondent informs the University that they will not attend the hearing (or will refuse to be cross-examined), the hearing may proceed, as determined by the Title IX Coordinator. The Decision Maker may not, however, draw any adverse inference in reaching a determination regarding responsibility based solely on the individual's absence from the hearing (or their refusal to be cross-examined).

Representatives from the Office of Student Conduct and the Title IX Office may attend the hearing. Other University administrators may attend the hearing at the request of, or with the prior approval of, the Decision Maker, but the parties will be notified in advance of anyone else who will be in attendance. The Decision Maker will make a finding of responsible or not responsible for all charges and provide a rationale for each finding. The Decision Maker will make an independent decision based on a thorough review of all relevant evidence collected.

The Decision Maker shall write a written determination, which will contain: (1) the allegations potentially constituting Title IX sexual harassment; (2) 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 (if any), methods used to gather other information, and the hearing); (3) findings of fact supporting the determination; (4) conclusions regarding the application of this policy to the facts; (5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether a policy violation occurred), any disciplinary sanctions imposed by the Decision Maker if there has been a finding of responsibility, and whether any remedies designed to restore or preserve equal access to the University's education program or activity or working environment will be implemented; and (6) relevant appeal information for the parties.

If there is a finding of responsibility, the Decision Maker will consider the scope of the case, impact on students and community and prior history when assigning sanctions. The Decision Maker will also decide if remedies are appropriate in order to restore or preserve equal access to their education at Tulane. Such remedies may include the same individualized services described as "Supportive Measures;" however, unlike Supportive Measures, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. All sanctions and remedies must be approved by the Director of Student Conduct and the Title IX Coordinator. Upon completion, cases will be turned over to the Office of Student Conduct and the Title IX office and any other appropriate administrators for sanction and remedy implementation.

A Respondent in these cases may acknowledge responsibility at any time and accept sanctions imposed by the Office of Student Conduct. A Complainant may withdraw the complaint at any time. Either of these occurrences may cease any investigation.

## H. Sanctions

Sanctions are articulated in Section VII(H) of the Code of Student Conduct.

## I. Appeal

The Appeal Process is articulated in Section VII(G) of the Code of Student Conduct.

## J. Training, Conflict of Interest, and Bias

Individuals who fill certain roles in the Title IX Grievance Procedure must receive annual training to ensure awareness of their compliance obligations and in order to best provide equitable treatment to Complainants and Respondents and be compliant with the Grievance Procedures required by Title IX. These individuals are Title IX Coordinator, Deputy Coordinators, Investigators, Decision Makers (including appellate Decision Makers), and any person facilitating an Alternative Resolution Option within the Informal Process. Training subjects must include: the definition of Sexual Harassment as proscribed by the Title IX regulations; the scope of the University's education program or activity; how to conduct an Investigation and Grievance Process including Hearings, Appeals, and informal resolution processes, as applicable.

Additionally, the Decision Maker(s) must 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 must also receive the appropriate training needed to create an investigative report that fairly summarizes relevant evidence.

The Title IX regulations further require Tulane to make publicly available information on these trainings. A list of trainings attended by these individuals is available at <https://tulane.box.com/v/titleixtraining>. These are both internal and external trainings. The list includes the materials used in the training, all of which are provided for public review. These materials will be kept for seven years.

Further, any individual designated by Tulane as a Title IX Coordinator, Investigator, Decision Maker, or any person facilitating an Alternative Resolution Option within the Informal Process, will not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

They will also be required to receive training on how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person facilitating an Alternative Resolution Option within the Informal Process must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment. Any training materials on these subjects will be publicly shared in the manner described in the training section above.

## Process Comparison Chart

*Tulane has two resolution processes for sexual misconduct depending on if the reported conduct falls within Title IX or not. This chart lays out the different steps of the two major adjudication processes for your ease of understanding what is the same and where there are differences.*

Major Matter Resolution through the Code of Student Conduct	Title IX Grievance Procedure from Appendix A
<p><i>Procedural Review</i></p> <ul style="list-style-type: none"> <li>• A Procedural Review is an informational meeting where the Director of Student Conduct overviews Tulane's investigation and adjudication procedures, including all rights, privileges, and responsibilities.</li> <li>• For Complainants, a Procedural Review can happen before or after a Formal Complaint has been filed. Respondents typically have their Procedural Review after they receive written notice of the initiation of an investigation.</li> <li>• Advisors may also join students in this meeting. <i>See: Code, Section VII(F), p.21</i></li> </ul>	<p><i>Procedural Review</i></p> <ul style="list-style-type: none"> <li>• A Procedural Review is an informational meeting where the Director of Student Conduct overviews Tulane's investigation and adjudication procedures, including all rights, privileges, and responsibilities.</li> <li>• For Complainants, a Procedural Review can happen before or after a Formal Complaint has been filed. Respondents typically have their Procedural Review after they receive written notice of the initiation of an investigation.</li> <li>• Advisors may also join students in this meeting. <i>See: Appendix A, Part II(C), p.16</i></li> </ul>
<p><i>Notice of Investigation</i></p> <ul style="list-style-type: none"> <li>• For Major Matter investigations, following a Procedural Review meeting, the Complainant and Respondent receive Notice of Investigation letters. <i>See: Code, Section VII(F), p.21</i></li> </ul>	<p><i>Notice of Investigation</i></p> <ul style="list-style-type: none"> <li>• Following the receipt and review of the formal complaint by the Title IX Coordinator, and it being determined that the matter properly falls under this Title IX Sexual Harassment policy, both the Complainant and Respondent will be informed in writing of the initiation of the investigation. <i>See: Appendix A, Part II(E), p.17</i></li> </ul>
<p><i>Advisor</i></p> <ul style="list-style-type: none"> <li>• Both Complainants and Respondents may have an Advisor of their choice throughout the process. An advisor may be a member or non-member of the University community and may be an attorney.</li> <li>• The Advisor may attend any interview or meeting connected with the Grievance Process, but the Advisor may not actively participate in interviews and may not</li> </ul>	<p><i>Advisor</i></p> <ul style="list-style-type: none"> <li>• Both Complainants and Respondents may have an Advisor of their choice throughout the process. An advisor may be a member or non-member of the University community and may be an attorney.</li> <li>• The Advisor may attend any interview or meeting connected with the Grievance Process, but the Advisor may not actively participate in interviews and may not serve as</li> </ul>

## Process Comparison Chart

*Tulane has two resolution processes for sexual misconduct depending on if the reported conduct falls within Title IX or not. This chart lays out the different steps of the two major adjudication processes for your ease of understanding what is the same and where there are differences.*

Major Matter Resolution through the Code of Student Conduct	Title IX Grievance Procedure from Appendix A
<p>serve as a proxy for the party, including in communications to the University.  <i>See: Code, Section VII, p.13</i></p>	<p>a proxy for the party, including in communications to the University.</p> <ul style="list-style-type: none"> <li>• The Advisor may attend the hearing and may conduct cross-examination of the other party and any witnesses at the hearing; otherwise, the Advisor may not actively participate in the hearing.</li> <li>• If a party does not have an Advisor present at the hearing to conduct cross examination, the University will provide without fee or charge to that party an advisor selected by the University (who may be, but is not required to be, an attorney) to conduct cross-examination of the other party and/or any witnesses.  <i>See: Appendix A, Part II(B), p.15</i></li> </ul>
<p><i>How to Initiate an Investigation</i></p> <ul style="list-style-type: none"> <li>• To initiate a sexual misconduct Major Matter investigation, a Complainant <i>does not</i> need to file any kind of paperwork with the Office of Student Conduct.  <i>See: Code, Section VII(F), p.21</i></li> </ul>	<p><i>How to Initiate an Investigation</i></p> <ul style="list-style-type: none"> <li>• To initiate an investigation under Title IX, a Complainant (or the Title IX Coordinator) <i>must</i> file a Formal Complaint.  <i>See: Appendix A, Part I(F), p.12-13 and Part II(E), p.17</i></li> </ul>
<p><i>Alternative Resolution</i></p> <ul style="list-style-type: none"> <li>• Alternative resolution is available at the discretion of the Office of Student Conduct and may be offered when all parties involved agree to participate in good faith.</li> <li>• Any proposed resolution must be reviewed and approved by the appropriate University stakeholders, which may include the Director of Student Conduct, the Title IX Coordinator, faculty, impacted parties, or other relevant departments based on the nature of the case.  <i>See: Code, Section VII(A) p.14</i></li> </ul>	<p><i>Alternative Resolution</i></p> <ul style="list-style-type: none"> <li>• Subject to the consent of the parties and the approval of the Title IX Coordinator, the University permits informal resolution processes in cases in which a formal complaint has been filed with the Title IX Coordinator.</li> <li>• The University may facilitate the informal resolution process prior to conducting a hearing.</li> <li>• Before the informal resolution process is used, both parties must provide voluntary, written consent to the informal resolution process.</li> <li>• At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX Sexual Harassment grievance process</li> </ul>

## Process Comparison Chart

*Tulane has two resolution processes for sexual misconduct depending on if the reported conduct falls within Title IX or not. This chart lays out the different steps of the two major adjudication processes for your ease of understanding what is the same and where there are differences.*

Major Matter Resolution through the Code of Student Conduct	Title IX Grievance Procedure from Appendix A
	with respect to the formal complaint. <i>See: Appendix A, Part II(D), p.16</i>
<p><i>Investigation</i></p> <ul style="list-style-type: none"> <li>Once the investigation formally begins, the investigator undertakes an impartial inquiry. The investigation follows a structured process designed to gather relevant information, assess the credibility of evidence, and determine the impact of the alleged misconduct.</li> <li>Beyond gathering direct evidence, the investigator also considers the impact of the alleged misconduct on the broader Tulane community. In cases where an incident has had wider implications, the investigator has the discretion to collect statements or impact reports from affected community members. This assessment helps determine whether the incident contributed to a hostile environment or had lasting effects on campus climate, further informing the university's response.</li> <li>Students have the right to actively participate in the fact-finding process. They may submit relevant evidence, recommend witnesses, and provide written statements. However, if a student chooses not to participate, the investigation will proceed in their absence, and findings will be based on the available evidence. <i>See: Code, Section VII(F), p.21-22</i></li> </ul>	<p><i>Investigation</i></p> <ul style="list-style-type: none"> <li>The investigators will collect information from each party. While the Complainant and the Respondent are not restricted from gathering and presenting relevant evidence, the investigators are responsible for gathering relevant evidence to the extent reasonably possible.</li> <li>Parties and witnesses are expected to provide all available relevant evidence to the investigators during the investigation. If a party or witness fails to provide available relevant evidence during the investigation, such evidence may, at the discretion of the Decision Maker, be excluded from consideration at the hearing.</li> <li>While parties are not restricted from presenting information attesting to the parties' character, such evidence generally is not considered relevant. <i>See: Appendix A, Part II(E-F), p.17</i></li> </ul>
<p><i>Report</i></p> <ul style="list-style-type: none"> <li>A written report is drafted: it is a summary of relevant material facts in dispute with appendices of evidence gathered and witness statements.</li> <li>It is sent to the Complainant and Respondent for review over a ten-day</li> </ul>	<p><i>Report</i></p> <ul style="list-style-type: none"> <li>Investigators will draft a complete investigative report, outlining material facts (those in dispute and not in dispute); collecting all Respondent, Complainant and relevant witness and impact statements; asking any needed follow up questions; and</li> </ul>

## Process Comparison Chart

*Tulane has two resolution processes for sexual misconduct depending on if the reported conduct falls within Title IX or not. This chart lays out the different steps of the two major adjudication processes for your ease of understanding what is the same and where there are differences.*

Major Matter Resolution through the Code of Student Conduct	Title IX Grievance Procedure from Appendix A
<p>period called the Notice and Comment Period; the parties can make comments, raise concerns and questions, and provide additional evidence to address issues in the report.</p> <ul style="list-style-type: none"> <li>• If new evidence is introduced, the investigator determines whether supplemental fact-finding is necessary.</li> <li>• After the Notice and Comment Period, the investigator issues a final report in which a determination about responsibility is made.</li> <li>• This final determination based on the preponderance of the evidence standard (i.e., whether it is more likely than not that a violation occurred). The final report will include a policy analysis, assessing the interplay between the alleged conduct and applicable University policies. <i>See: Code, Section VII(F), p.22-23</i></li> </ul>	<p>collecting and organizing all relevant evidence. The investigator will evaluate all relevant evidence – including both inculpatory and exculpatory evidence. This report will be reviewed by the Director of Student Conduct and the Title IX Coordinator for compliance and consistency purposes.</p> <ul style="list-style-type: none"> <li>• The report will then be turned over to a separate Decision Maker for adjudication. The Decision Maker may gather additional information, including speaking with any identified party. <i>See: Appendix A, Part II(F), p.17-18</i></li> </ul>
<p><i>Hearing</i></p> <ul style="list-style-type: none"> <li>• There is no hearing.</li> </ul>	<p><i>Hearing</i></p> <ul style="list-style-type: none"> <li>• The Decision Maker will then preside over a live hearing, in which advisors of both the Respondent and Complainant may cross-examine any individual that has made a statement or provided evidence, including any and all available witnesses, the Respondent, or the Complainant.</li> <li>• Each party must be represented by an advisor. The advisor is responsible for conducting cross-examination (otherwise, the advisor is not permitted to answer questions for their student). If the Complainant or Respondent does not have an advisor, the University will provide one. If the student's chosen advisor does not appear, the University will appoint an advisor to provide cross-examination of the evidence on the student's behalf.</li> <li>• The Decision Maker may question witnesses, the Respondent and Complainant.</li> </ul>

## Process Comparison Chart

*Tulane has two resolution processes for sexual misconduct depending on if the reported conduct falls within Title IX or not. This chart lays out the different steps of the two major adjudication processes for your ease of understanding what is the same and where there are differences.*

Major Matter Resolution through the Code of Student Conduct	Title IX Grievance Procedure from Appendix A
	<ul style="list-style-type: none"> <li>The Decision Maker will make a finding of responsible or not responsible for all charges and provide a rationale for each finding. The Decision Maker will make an independent decision based on a thorough review of all relevant evidence collected.</li> <li>This will be provided to the Respondent and Complainant in a written determination after the hearing.</li> </ul> <p><i>See: Appendix A, Part II(G), p.18-19</i></p>
<p><i>Sanctions and Remedies</i></p> <ul style="list-style-type: none"> <li>If the investigator finds that a violation has occurred, the investigator assigns appropriate sanctions and remedies based on: 1) The nature and severity of the misconduct. 2) The impact on individuals and the University community. 3) Prior conduct history (including any previous disciplinary violations). 4) The need to maintain a safe and respectful campus environment.</li> <li>The respondent is notified of the final determination, and the complainant has the right to receive detailed information about the outcome.</li> <li>There are a range of potential sanctions outlined in the Code.</li> </ul> <p><i>See: Code, Section VII(F), p.23 and VIII, p.25-27</i></p>	<p><i>Sanctions and Remedies</i></p> <ul style="list-style-type: none"> <li>If the Decision Maker makes any finding of responsibility, the written determination will include what sanctions and/or remedies are issued.</li> <li>The Decision Maker will consider the scope of the case, impact on students and community and prior history when assigning sanctions.</li> <li>The Decision Maker will also decide if remedies are appropriate in order to restore or preserve equal access to their education at Tulane.</li> <li>The available sanctions are the same as those found in the Code in its Section VIII, Sanctions.</li> </ul> <p><i>See: Appendix A, Part II(G) and (H), p.19 and Code, Section VIII, p.25-27</i></p>
<p><i>Appeals</i></p> <ul style="list-style-type: none"> <li>Appeals must be submitted within ten business days of receiving the final written decision in the final report. Requests for an extension must be submitted in writing to the Director of Student Conduct, who has discretion to grant or deny such requests based on the circumstances.</li> <li>The Complainant and Respondent have</li> </ul>	<p><i>Appeals</i></p> <ul style="list-style-type: none"> <li>The Appeals process is the same found in the Code.</li> <li>Students in Title IX cases can also appeal on the grounds of Bias or Conflict of Interest along with the three other grounds for appeals (Procedural Error, New and Substantial Evidence, and/or Disproportionate Sanctions).</li> <li>The ten business day window to submit an</li> </ul>

## Process Comparison Chart

*Tulane has two resolution processes for sexual misconduct depending on if the reported conduct falls within Title IX or not. This chart lays out the different steps of the two major adjudication processes for your ease of understanding what is the same and where there are differences.*

Major Matter Resolution through the Code of Student Conduct	Title IX Grievance Procedure from Appendix A
<p>the right to appeal both the finding of responsibility and the sanctions imposed.</p> <ul style="list-style-type: none"> <li>• Appeals must be based on one or more of the following valid grounds: Procedural Error, New and Substantial Evidence, and/or Disproportionate Sanctions.</li> <li>• Appeals must be submitted in writing with any supporting documentation or evidence.</li> <li>• Appeals are heard by a three-member appellate panel. The panel will endeavor to consider the appeal and issue a written determination of its decision within ten business days of receiving the appeal.</li> <li>• The Appellate Panel may take one of the following actions: 1) Uphold the original decision regarding responsibility and sanctions. 2) Modify the sanctions to ensure they are fair, proportionate, and appropriate given the circumstances. 3) Remand the case for reconsideration, directing the original conduct officer or hearing panel to correct procedural errors, assess new evidence, or reassess the imposed sanctions.</li> </ul> <p><i>See: Code, Section VII(G), p.24-25</i></p>	<p>appeal starts once the hearing written determination is received.</p> <p><i>See: Appendix A, Part II(I), p.19 and Code, Section VII(G), p.24-25</i></p>