



Policy # 62001

CODE OF STUDENT CONDUCT-JUDICIAL AUTHORITY

Original Effective Date: July 2, 2002

Revised Date: November 17, 2022

Responsible Office: Student Conduct

Division: Student Affairs

I. PURPOSE/OBJECTIVE

The purpose of the Grambling State University's Code of Student Conduct has been developed to support the overall mission of the University. The Code of Student Conduct and the student disciplinary processes are intended to foster ethical development, personal growth of students, personal accountability, and civility toward others.

II. STATEMENT OF POLICIES

A. CODE OF AUTHORITY

As the Chief Executive Officer of the University, the President holds the ultimate authority in matters of student discipline. On rare occasions, this authority may be exercised on an exigent basis to protect University property and/or the health and safety of the University community. Unless otherwise exercised or modified, by the President, this authority is delegated to the Vice President of Student Affairs who shall oversee the functions of Judicial Affairs. The Director of Judicial Affairs is directly responsible for the daily administration of the University's student judicial system. Code Authority is found in Louisiana Revised Statutes, Acts, Concurrent Resolutions, etc. as the following:

Louisiana Revised Statutes—17:10; 17:3101 through 17:3109 (1969); 17:3024 (1969).

Acts—Act No. 68 (1894), Act No. 529 (1968). Concurrent Resolutions No. 293 (1970) Title 1, OF THE DISTINCTION OF PERSONS, Act 37, Age of Majority (1972), Act No. 464 (2022).

The [Code of Student Conduct](#) creates an expectation of behavior that the University deems acceptable. Its primary purpose is to ensure that students will not be deprived of life, liberty or property without due process. Although every student has rights guaranteed by the U.S. Constitution, these freedoms cannot be enjoyed, exercised, or protected in a community which lacks order and stability. It is, therefore, each student's responsibility to adhere to the conduct and

standards prescribed by the University, the Board of Trustees for the University of Louisiana System, as well as those established by local, state and federal laws.

B. JUDICIAL BOARD

There shall be a Judicial Board (Board) consisting of nine (9) members. The Board is the primary judicial body of the University. It has jurisdiction over all student cases involving alleged violations of the Code of Student Conduct referred to it by appropriate University officials.

All members, including the chairperson, shall be appointed by the President. The President may authorize the Director of Judicial Affairs to serve simultaneously as a chairperson. A chairperson, one (1) faculty or staff representative and one (1) student representative (1) staff representative from University Campus Police shall compose each panel. The University Campus Police representative is a non-voting member of the Judicial Board. The President may appoint a special panel when necessary.

The Judicial Board has recommending authority in terms of sanctions. The Board has the responsibility of determining if a student is responsible or not responsible for violating the Code of Student Conduct. The Board's recommendations are made to the Director of Judicial Affairs.

C. AGGRESSIVE BEHAVIOR

Grambling State University has a "Zero Tolerance" policy for Aggressive Behavior. Aggressive Behavior is defined as intimidating gestures, threatening, abusive language, fighting or physical actions which create fear or intent of bodily harm to another person or damage to university or personal property. Additional definitions of aggressive behavior maybe identified in the student handbook, which may include, but are not limited to the following:

1. 4.03 – Assault;
2. 4.04 – Battery;
3. 4.06 – Dangerous, Threatening Unsafe Behavior; and
4. 4.08 – Destruction/Damage to Property.

Any student found in-violation of an aggressive behavior act may result in immediate suspension from the University.

D. DAMAGE TO FIRE PREVENTION EQUIPMENT

Any student who tampers with or damages fire prevention equipment on Grambling State University's campus will be referred to the Office of Student

Conduct and is subject to fines and penalties as mandated by the Louisiana State Fire Marshall and Grambling State University. The first and second offenses may result in a fine, and subsequent offense may result in a referral to the Office of Student Conduct; and these referrals may lead to suspension or expulsion.

E. CAMPUS SERVICE

Students who are in violation of the Code of Student Conduct are sanctioned. These sanctions may include one or more of the following: campus service, fines, counseling, probation, suspension, and expulsion. Students who fail to complete assigned campus service hours by the end of the semester shall be charged the current minimum wage amount times the number of hours remaining. This charge is placed against the students' account. This policy will be communicated to students at the time of the sanction.

F. APPEALS

1. A decision reached by the Judicial Hearing Board or a sanction imposed by the Director of Student Conduct may be appealed by accused student within three (3) business days of the decision. Such appeals shall be in writing, addressed to the Chairperson, Administrative Appeals Board and delivered to the Office of the Vice President for Student Affairs. The board shall consist of a chairperson, one (1) faculty or staff representative, and one (1) student representative appointed by the Vice President for Student Affairs.
2. Criteria for filing an appeal are limited to:
 - X The student's rights were violated in the hearing process or if there were hearing procedural errors.
 - X There is new material evidence which could not have been discovered at the time of the hearing.
 - X The evidence did not support the decision.
 - X The sanctions imposed were not appropriate for the violation or were made in an arbitrary or capricious manner.

All appeals shall be limited to review of the verbatim record of the initial hearing. Based upon the merits of written justification, the chairperson of the Administrative Appeals Board may accept or reject the student's request for an appeal.

3. If the request for an appeal is granted, the Chairperson of the Administrative Appeals Board, within reasonable time, shall set a date, time, and place for the board to review the findings, decision, and recommendation of the disciplinary hearing board. The complete record of the hearing and evidence presented before the Judicial Hearing Board panel shall be made available to the Administrative Appeals Board. The Vice President for Student Affairs or his/her designee shall be present at this hearing.

4. If an appeal is upheld by the Administrative Appeals Board, the matter shall be returned to the original Judicial Hearing Board for re-opening to allow reconsideration of the original determination and/or sanction(s).

5. If an appeal is not granted by the Chairperson of the Administrative Hearing Board, then, the sanction imposed shall be considered final and binding upon all involved.

6. Students have the right to appeal the finding, decision, and recommendation of the Administrative Appeals Board if the reasons are based on the criteria listed in #2 of these articles. To do so, a student must give written notification to the Office of the President of his/her intent to appeal and reasons for appealing within three (3) business days after notice of the finding, decision, and recommendation of the Administrative Appeals Board. Late notification of intent to appeal to the Office of the President will be accepted or rejected after hearing the student's reasons for failure to comply with above statement.

7. If the request for an appeal is granted, the President or President's designee shall set a date, time, and place to review the findings, decision, and recommendation of the Administrative Appeals Board.

8. The President or his/her designee may, at his/her discretion, make any of the following sanctions:

- Approve the recommendation of the Administrative Appeals Board
- Amend and approve the recommendation; or
- Return the recommendation to the original Judicial Hearing Board for reopening to allow for reconsideration of the original determination and/or sanction(s).

Note: As the Chief Executive Officer of the University, the President holds the ultimate authority in matters of student discipline.

Additionally, it will be the discretion of the President or his/her designee as to whether or not a student remains under suspension pending the outcome of the appeal. Factors that will be considered include the nature of the violation, interference with the University's educational mission and the safety and welfare of other members of the University community.

9. Each institution is authorized to establish policies and regulations governing student conduct. Students shall have due process in disciplinary matters, and any student who exhausted all due process procedures at the institutional level may appeal his/her grievance to the Board of Supervisors if the sanction is one of suspension from the university for a period of one academic year, or if the Page 21 of 30 sanction is of greater severity. Within thirty (30) days after all due process procedures have been exhausted at the institutional level, the student must present his appeal to the System President of the University of Louisiana System. The staff shall review the due process proceedings from the institution and submit recommendations to the Board of Trustees for the University of Louisiana System. If the request for appeal is granted, the System President or his designee shall, within a reasonable time, set a date, time, and place to review the findings, decision, and recommendation of the President of Grambling State University. The complete

CODE OF STUDENT CONDUCT

records of this case shall be made available for use by the System staff and Board of Trustees. The System Office may request the presence of an individual, administrator or student involved in the case.

Note: If the decision of the Judicial Hearing Board and/or the Administrative Appeals Board is upheld, then the sanction will be imposed as of the original date unless the President affixes a different sanction or date. Students who are suspended or expelled from the University are not eligible for refunds after the 14th class day for Fall and Spring semesters and the 7th class day for Summer sessions.

III. Student Due Process Policy

Policy and Procedures Memorandum

The purpose of this policy is to establish student due process procedures for Grambling State University institution according to Act 464 of the 2022 Regular Session of the Louisiana Legislature, codified at R.S. 17:3394 (Student Due Process and Protection Act).

Due process protection is afforded to all students and student organizations attending Grambling State University. This policy requires that universities governed by the University of Louisiana System set forth all of its policies, rules, and regulations governing students and student organizations' conduct in properly promulgated publications. All University of Louisiana System member institutions shall implement policies, procedures, and practices for due process in compliance with Act 464 and this Policy.

IV. Disciplinary Proceedings

Any student enrolled at an institution under the jurisdiction of Grambling State University and accused of a violation of the disciplinary or conduct rules that carries a potential penalty of suspension of ten or more days, deferred suspension, or expulsion has the right to be represented, at the student's expense, by an attorney or non-attorney advocate who may fully participate during any disciplinary proceeding or other procedure adopted and used by the affected institution to address an alleged violation of the institution's non-academic rules or policies. This right applies to both the student who has been accused of the violation and to the student who is the alleged victim, if applicable. Prior to scheduling a disciplinary proceeding, the institution is required to inform the students in writing of their rights provided by this section.

Any student organization officially recognized by an institution under the jurisdiction of the management board has the right to be represented, at the organization's expense, by an attorney or a non-attorney advocate who may fully participate during any disciplinary proceeding or during any other procedure adopted and used by the institution to address an alleged violation of the institution's non-academic rules or policies. This right applies to both the student organization that has been accused of the alleged violation and the alleged victim, if applicable.

A student or student organization subject to a charge or disciplinary proceeding by the institution is entitled, upon receiving notice of the charge, to notice of any and all violations of the institution's non-academic rules or policies and the disciplinary proceedings or charges that will occur as a result. This notice shall include but need not be limited to each and every section of the institution's rules or policies that the student or student organization is alleged to have violated and any evidence the institution used and collected in making the charge.

When a violation is punishable by suspension of ten or more days or expulsion, or when a violation by a student organization is punishable by suspension or removal of the organization from the institution, the disciplinary procedures contained in the code of student conduct shall include but need not be limited to the following:

1. Afford the accused student or organization the express presumption of innocence and set forth that he or the organization may not be deemed guilty of the violation until he/she or the organization formally acknowledges responsibility or conclusion of a hearing where the institution has established every element of the alleged violation.
2. Require Grambling State University to maintain an administrative file of disciplinary proceedings. The file shall include all documents and evidence in the institution's possession or control relevant to the alleged violation and the institution's investigation including but not limited to exculpatory evidence, documents submitted by any participant, and the institution's choice of a video recording, audio recording, or transcript of any disciplinary hearing ultimately held in the matter. The file shall not include privileged document or internal memorandums that the institution does not intend to introduce as evidence at any hearing on the matter.
3. Provide both the accused student or organization and the alleged victim reasonable continuing access to the administrative file and the ability to make copies of all evidence or documents in the file beginning at least seven business days prior to any disciplinary hearing, or sooner if otherwise specified under federal law, except that individual portions of the administrative file shall be redacted if disclosure of the evidence is required by law.
4. Ensure that all disciplinary proceedings are carried out free from conflicts of interest by ensuring that there is no commingling of administrative or adjudicative roles. For purposes of this paragraph, an institution shall be considered to commingle such roles if any individual carries out more than one of the following roles with respect to any disciplinary proceeding:
 - a. Victim counselor and victim advocate
 - b. Investigator
 - c. Institutional prosecutor
 - d. Adjudicator
 - e. Appellate adjudicator

V. Appeals

Any student or student organization that is found to be in violation of Grambling State University non-academic rules or policies shall be afforded an opportunity to appeal Grambling State University initial decision to an appellate entity that is an institutional administrator or body that did not make the initial decision. Such an appeal shall be filed within ten days after receiving final notice of the institution's decision. The right to appeal the result of the institution's disciplinary proceeding also applies to the student who is the alleged victim, if applicable. The institution may designate the appellate entity as the final institutional authority on the matter; however, nothing in this Section shall preclude a court from granting a prevailing plaintiff equitable relief.

In the appeals process, the student or student organization has the right to be represented, at the student's or the organization's expense, by the student's or the organization's attorney or non-attorney advocate.

Issues that may be raised on appeal include new evidence, contradictory evidence, and evidence that the student or student organization was not afforded due process. The institutional body considering the appeal may consider police reports, transcripts, and the outcome of any civil or criminal proceeding directly related to the appeal.

Upon consideration of the evidence, the institutional body considering the appeal may grant the appeal, deny the appeal, order a new hearing, or reduce or modify the punishment. If the appeal results in the reversal of the decision or a lessening of the sanction, the institution shall reimburse the student for any tuition and fees paid for the period of suspension, including a deferred suspension, or expulsion which had not been previously refunded, if applicable.

Grambling State University is not required to use formal rules of evidence in disciplinary proceedings. However, they shall make good faith efforts to include relevant evidence and exclude evidence which is neither relevant nor probative.

Institutions are obligated to provide equivalent rights to a student who is the alleged victim in the disciplinary proceeding, including equivalent opportunities to have others present during an institutional disciplinary proceeding, to an unrestricted choice of attorney or non-attorney advocate in any meeting or institutional disciplinary proceeding, if applicable.

VI. Interim Measures

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

CODE OF STUDENT CONDUCT

1. Within seventy-two hours of the alleged violation being deemed an immediate threat, written notice of the interim measure that explains the institution's reasons for enacting the measures.

2. Within seven business days of the written notice as outlined in the above paragraph, unless otherwise waived by the accused student, an interim measure hearing to determine whether there is substantial evidence that the student poses a risk to the physical safety of a member of the campus community and that the interim measure is appropriate to mitigate that risk. At the hearing, both the accused student and the alleged victim shall have the right to be represented, at the student's expense, by an attorney or a non-attorney advocate who may fully participate during the hearing. An accused student's waiver of the right to an interim measure hearing shall not constitute an admission of guilt or a waiver of any additional rights provided for in this section.