



NICHOLLS
STATE UNIVERSITY

**2009 Code of
Student Conduct**

Appeal & Grievance Procedures • Sexual Harassment Policy
Anti-Discrimination Policy & Procedures • Students With Disabilities Policy & Procedures
Computer Use Policy • Smoking & the Use of Tobacco Products
Alcohol & Drug Use Policy • Anti-Hazing Policy

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INTRODUCTION

This publication is a codification of rules and regulations that pertain to students and student life. The Code of Student Conduct is promulgated by the Office of the Vice President for Student Affairs and Enrollment Services under the power and authority delegated by the Board of Supervisors for State Colleges and Universities through the President of the University.

SECTION ONE

Student Conduct and Responsibility

Introduction

The mission of Nicholls State University extends beyond instruction and requires that the University maintain and improve programs which support and encourage the development of good character and responsible citizenship.

To this end the University expects its students and all members of the University community to respect the rights of others, as guaranteed by the U.S. Constitution and the Constitution of the State of Louisiana. These rights include: the right to due process of law, the right to individual dignity, the right to property, the right to privacy, freedom of expression, freedom of religion, the right of assembly and petition, the right to vote, and freedom from discrimination. In respecting the dignity of all persons, the University condemns hate speech, as well as epithets and slurs based on race, gender, ethnicity, sexual orientation, disability, religion, etc.

The University expects all students to obey all federal, state and local laws, as well as properly constituted University authority, to fulfill contractual obligations, to maintain absolute integrity and a high standard of individual honor in academic work, and to interact and communicate with others in a respectful and civil manner.

The Code of Student Conduct

The Code implements the University mission in supporting the building of good character and responsible citizenship in its students by setting forth specific standards of conduct, the violation of which may be punished by discipline action.

The Articles of Section One, below, list the offenses which may be sanctioned, whether they are committed by a student acting singly or in concert with others, whether the violation occurs on or off University property, whether or not any action is taken by civil authorities. The University may also impose discipline sanctions if an off campus violation causes that student to be a clear and present danger or threat to the University community, or deters the University from its purposes, functions, or goals. The standards for determining whether a student/student group has violated the code is “more likely than not.”

Acts Constituting Sanctionable Misconduct

- 1.1 Violation of the rights of individuals as established in the United States and Louisiana Constitutions.
- 1.2 Verbal abuse in the form of “fighting words” or words directed at an individual, which tend to excite an immediate breach of the peace.
- 1.3 Harassing conduct of any kind including acts based on race, gender, ethnicity, sexual orientation, disability, religion, etc.
- 1.4 Violation of the privacy rights of others.
- 1.5 The willful, malicious or repeated harassment and/or following of another person that would

cause a reasonable person to feel alarmed or to suffer emotional distress. (See Stalking Policy/Section Ten).

- 1.6 Physical abuse or threat thereof including acts of intimidation against any person or persons, or other conduct which threatens or endangers the health or safety of any such person or persons including hazing, domestic violence or offensive touching (See Section 2.30).
- 1.7 Sexual offenses, including offensive touching (sexual battery), non consensual intercourse (rape) and intercourse with a person who is incapable of giving consent due to some form of intoxication or who is otherwise incapable of giving consent. (See Sexual Offense Policy/Section Nine)
- 1.8 Disregard for the property rights of others including: theft, larceny, embezzlement, fraud, the temporary taking or unauthorized use of the property of another and or possession of stolen goods.
- 1.9 Academic cheating or plagiarism. (See Academic Dishonesty/Section Five)
- 1.10 Unauthorized occupation or entry into any University facility or University-related facilities or premises, and/or unauthorized use, access to, manipulation of, tampering with, or duplication of any University computer hardware, software programs, and/or associated documentation including but not limited to telecommunications equipment, computer equipment, electronic bulletin boards, e-mail, etc.
- 1.11 Unauthorized use or possession on the campus of firearms, ammunition, explosives, fireworks, or other dangerous weapons, substances, or materials. (Also see University Policy regarding weapons on campus.)
- 1.12 Illegal manufacture, sale, possession, purchase, or use of any scheduled drug, such as narcotics, barbiturates, central nervous system stimulants, marijuana, sedatives, tranquilizers, hallucinogens, and/or similar drugs and/or chemicals.
- 1.13 Vandalism, and/or the malicious destruction, damaging, defacing, misuse or abuse of University, public, or private property, including bookstore materials, library materials, computer equipment and software, animals, coin-operated machines (vending and game machines) and vehicles.
- 1.14 Obstruction or disruption of teaching, research, administration, discipline procedures, or other University events or University-authorized events.
- 1.15 Obstructing or restraining the passage of any person at an exit or entrance to the University campus or property, or other property used for University business or preventing or attempting to prevent by force or violence or by threats thereof, the entrance or exit of any person to or from said property or the campus without the authorization of the administration of the University.
- 1.16 Setting a fire on the campus or campus related premises without proper authority.
- 1.17 The intentional making of a false report of a bomb, fire, or other emergency in any building, structure, or facility on University premises or University related premises by means of activating a fire alarm or in any other manner.
- 1.18 Failure to comply with campus safety procedures (including failure to evacuate for fire and other safety drills and alarms) whenever the fire alarm sounds.
- 1.19 Falsification of any record or document, including but not limited to, academic records and/or financial aid records, or committing academic forgery, altering official academic documents, misusing University documents, or withholding information relating to admission, transfer credits, financial aid, academic status, records, etc.
- 1.20 Unauthorized use, possession, or alteration of fire fighting equipment, safety devices, police property, or other emergency or safety equipment.
- 1.21 Furnishing false information to a University employee with intent to deceive, or falsifying, altering or withholding evidence relating to violations of the Code of Student Conduct.
- 1.22 Excessive public display of affection, or lewd, indecent, or obscene conduct on the University campus.
- 1.23 Disorderly conduct, including noise that reaches a disruptive level, including but not limited to rioting and mayhem, inciting or assembling to riot or engaging in mayhem or other conduct

which adversely affects the educational processes of the University or the rights of members of the University community or others.

- 1.24 Violation of the University Anti-Hazing Policy.
- 1.25 Burning, or the attempt to burn, any flammable substance, which may present a fire hazard, annoyance, threat, or danger to property or person and/or persons on the University campus.
- 1.26 Failure to present identification to a University employee in response to a request, whether on or off University property, or the misuse of any University documents, records, or identification cards.
- 1.27 Possession or consumption of alcoholic beverages in any form on University premises or University-related premises, except in those areas of the University premises or University-related premises where the President or his/her designee has authorized the serving of legal beverages, subject to prescribed regulations. Providing, furnishing or causing to be furnished any alcoholic beverage to any person under the legal drinking age or any person in a state of noticeable intoxication in Violation of the University Alcohol Policy.
- 1.28 Violation of any published rules governing conduct in and around University facilities.
- 1.29 Violation of any published policies, rules, and/or regulations promulgated by any official University office or the Board of Supervisors.
- 1.30 Interference with the performance of duties of any University employee, including failure to comply with the reasonable requests of a University employee made while in the performance of the employee's duties.
- 1.31 Failure to answer a University summons (written or verbal) or to appear for a discipline hearing as notified.
- 1.32 Unauthorized entry or attempt to enter any University event or activity including athletic events, dances, concerts, social activities, etc. without proper credentials for admission (ticket, identification card, invitation, etc.) or violation of the qualifications for attending such events.
- 1.33 Failure to meet any University-related financial obligation.
- 1.34 Malfeasance in or misuse of elective or appointive office in a student organization, which is injurious to the welfare of the University.
- 1.35 Conviction of any criminal ordinances or laws which causes that student to be a clear and present danger or threat to the University community, or deters the University from its purposes, functions, or goals.
- 1.36 Failure to abide by, or violation of, any sanction imposed by the Dean, Vice President for Student Affairs and Enrollment Services, President or Board of Supervisors.
- 1.37 Retaliation against any complainant, witness or University employee (including but not limited to resident assistants, student workers, etc.).
- 1.38 Gambling of any type.
- 1.39 Conspiring with others in conduct which results in violation of or attempted violation of any acts of sanctionable misconduct published in the Code of Student Conduct.
- 1.40 Repeated or accumulated violations of any part of this code.
- 1.41 Attempting to engage in conduct prohibited by the Code of Student Conduct.

Conduct of Student Organizations

Student organizations are expected to contribute to the improvement of campus life and the University community. An official student organization is defined as one which is approved and recognized by the University. Student organizations are held responsible for knowing and abiding by all University policies, regulations, and procedures including but not limited to: those published in the Code of Student Conduct and Appeals Procedures, the Manual for Student Organizations, Student Organizations Handbook for Reserving Facilities on Campus, The Paddle, and University Catalog; special rules published by governing groups (example: IFC, Panhellenic, National Pan-Hellenic Council, SGA, SPA, etc.), and Anti-Discrimination, Sexual Harassment, Sexual Offense Policy and Procedures, Stalking Policy and

Procedures, Alcohol and Drug Abuse Prevention, and Anti-Hazing Policies published in University publications.

Student organizations are accountable for any actions or activities, by a member acting singly or in concert with others, that result in harm or could constitute a hazard to the emotional or physical health or safety of members, prospective members, or any other person, where the conduct is linked to the students membership/association with the organization. The fact that individuals are held accountable for such actions does not eliminate the responsibility of the organization in these matters.

SECTION TWO

Administration of Discipline

Definitions:

- 2.1 Dean - Ordinarily refers to the Student Judicial Officer or Dean of Student Life; however, it also applies to other Staff/Faculty assigned judicial duties by the Code. In cases of academic dishonesty, Dean refers to the Academic Dean of the College which offers the course.
- 2.2 Student - any person enrolled at Nicholls State University (full and/or part-time), any person seeking admission or accepted for admission to the University.
- 2.2.1 Student Educational Records - any student records maintained by the University for the purpose of recording student accomplishments, discipline, activities, etc.
- 2.3 University Employee - any person employed by the University including student employees and other persons employed to perform/provide services/activities for the University community (for example: contract food service employees, Region III, etc.).
- 2.4 University premises or related premises - all lands, buildings, and facilities owned, leased, or controlled by the University.
- 2.5 Residence Facilities - A University-owned or operated housing facility.
- 2.6 Work Day - a day on which the University is officially open (Monday through Friday except for official University closures).

Administrative Responsibility

- 2.7 The Vice President for Student Affairs and Enrollment Services is responsible for administration of the Code of Student Conduct.
- 2.8 The Student Judicial Officer and the Dean of Student Life are primarily responsible for the Student Judicial Program. Student Affairs staff may be assigned responsibility for Student Judicial Affairs activities. The Academic Dean is responsible for handling Student Judicial issues that relate to violations of sub-section 1.9 (Academic Cheating or Plagiarism).
- 2.9 The Discipline Committee is responsible for hearing discipline cases.
- 2.10 The Discipline Committee consists of one faculty member from each Academic College appointed by the Vice President for Student Affairs and Enrollment Services, two representatives from Student Affairs appointed by the Vice President for Student Affairs and Enrollment Services, and seven student members of the Student Government Association Student Supreme Court.
 - 2.10.1 The Committee elects the Chair.
 - 2.11 The Committee will also elect a Vice-Chair, who shall conduct the meeting in the absence of the Chair.
 - 2.12 A quorum consists of five members of the committee, of which two must be student members and two must be faculty members.
 - 2.13 The Code of Student Conduct recognizes the importance of shared responsibility in the maintenance of a desired climate of learning in and out of the classroom and the special responsibility assigned Student Affairs staff regarding the enforcement of University policies and procedures

and the administering of programs and services. Student Affairs administrative staff may administratively dispose of minor violations of the Code of Student Conduct, or may file a formal charge with the Dean. Formal charges will be filed with the Dean for any case requiring referral to the Discipline Committee (see current “Guidelines For Referral of Discipline Cases to the Discipline Committee” in the Student Life Office).

Academic Dishonesty

- 2.14 According to the procedures in Section Five, if a more severe penalty than expulsion from the class with a failing grade is warranted by the student’s conduct, the faculty member will file a formal charge with the Dean of the College in which the course is offered (academic dishonesty) or Student Judicial Officer/Dean of Student Life (disruptive behavior). The Dean will administratively dispose of the violation in accordance with section 5 of this code.
- 2.14.1 Disruptive Behavior: charges involving incidents of disruptive behavior will be referred to the Student Judicial Officer or Dean of Student Life. The matter will be handled following procedures published in this Code.

Initiation of Discipline Proceedings

- 2.16 When the Dean receives information alleging that a student has violated any rule or regulation of this Code, the Board of Supervisors, the University, or its various divisions, or has engaged in conduct described in section 2.29 the Dean shall investigate the alleged violation and /or notify the Threat Assessment Team
- 2.17 Violations of the Code of Student Conduct must be reported to the Dean within six months of the discovery of the alleged violation.
- 2.18 After completing a preliminary investigation, the Dean may:
 - 2.19 Dismiss the allegation as unfounded; or
 - 2.20 Summon the student for a conference, after conferring with the student, dismiss the allegation; or
 - 2.21 Proceed administratively. If it is determined that the alleged violation is not of a nature requiring Discipline Committee action; or
 - 2.22 Prepare a written charge and proceed to notify the student of his or her due process rights cited in section 2.41 - 2.41.13 and 2.49 - 2.52. If the alleged violation is not a discipline matter but needs attention, the Dean will then refer it to the proper University committee or official.
- 2.23 Complaints of violations involving falsification of academic records, academic forgery, altering official academic documents, misusing University documents, or withholding information relating to the student’s admission, transfer credits, academic status, records, etc., shall be reported to the Dean of Student Life.

Summoning A Student

- 2.25 The Dean may summon a student to appear in connection with an alleged violation either orally, or by sending a written notice, or by serving the student with a University subpoena (summons). The summons shall direct the student to appear at a specified date, time and place.
- 2.26 If the student fails to comply, the Dean may charge and place on disciplinary probation, temporarily suspend, or bar against readmission a student who fails, without good cause, to comply with a summons or letter of notice issued.

Administrative Disposition of Violations

- 2.27 The Dean, at the completion of an administrative hearing, may administratively dispose of a violation without a hearing before the Discipline Committee.
- 2.28 If this course of action is pursued, the student and the Dean will sign a Letter of Notification as to the terms of the disposition of the violation. The student must be informed in writing that an appeal hearing by the Committee may be requested by the student if the student chooses not to accept the terms as stated. However, the terms of the discipline sanctions imposed will remain

- in effect unless suspended as indicated in sub-section 4.2.
- 2.29 The Dean may take action other than by judicial proceedings in any case of student conduct involving health, psychological or mental disturbance, or other unusual circumstances which could demonstrably endanger the health or safety of the student or others, or cause disruption of University activities or services.
- 2.30 In administratively disposing of a violation, the Dean of Student Life may impose any sanctions authorized by 2.83, 2.84, 2.85, 2.86, 2.87, 2.88, 289, 2.90, 2.91 and 2.96. The Instructor may impose sanctions 2.83 and 2.92. In cases of academic dishonesty, the Academic Dean may impose any sanctions authorized by 2.83, 2.84, 2.85, 2.86, 2.92 and 2.96. In cases involving withholding of information relating to the student's admission, transfer credits, or academic status, the Dean may impose any sanction authorized by 2.83, 2.84, 2.85, 2.86, 2.94 and 2.96. Other Administrative Staff responsible for programs and services may impose any sanction authorized by 2.83, 2.84, 2.85, 2.87, 2.88, 2.89 and 2.90.
- The Dean of Student Life and academic dean may enter into an agreement with any student to impose 2.86 or 2.95 for a period not greater than two years. Any appeal of the agreement must follow procedures listed in this code.
- 2.31 Educational Records of administrative disposition of violations are confidential in accordance with federal and state laws. The contents of the student's record may not be revealed to anyone not associated with campus discipline except upon written request of the student or a court-ordered subpoena. In cases of sexual offenses and incidents of violence the student defendant and the victim will be notified of the outcome of the administrative disposition of the matter and subsequent appeals.

Disposition By Discipline Committee

Hearing

- 2.30 The Dean will refer to the Discipline Committee (College Academic Grievance Committee in cases of academic dishonesty) through the Chair any case that is not settled administratively or any case that results from violation of any sanction imposed by the Dean or Vice President for Student Affairs and Enrollment Services (Sub-section 1.37).
- 2.31 The Chair of the Discipline Committee will preside over the hearing, and will instruct the Committee on student discipline policies, rules, and hearing procedures; and conduct the proceedings in a spirit of fair play. Decisions of the chair may be overruled by a simple majority vote. The College Academic Grievance Committee will follow procedures published in Section Five.
- 2.32 The presiding officer's duties include ascertaining that the Dean has satisfactorily performed the requirements described in sub-section 2.41-2.48 and 2.51
- 2.33 The presiding officer shall rule on the admissibility of evidence, motions, and objections to the procedure in accordance with Sub-sections 2.53 through 2.82.

Notice

- 2.34 The Dean shall notify the student defendant, by letter, of the date, time, and place for the hearing and of the precise charges which have been lodged against him or her, stating where, when, and how the alleged violation occurred and citing the section(s) of the Code which were allegedly violated.
- 2.35 The letter of notice shall direct the student defendant to appear before the committee on the date, time, and place specified for the hearing.
- 2.36 The letter of notice shall advise the student of basic rights guaranteed by the Code of Student Conduct.
- The letter of notice shall be either hand carried to the student while on campus or mailed to the student at the address appearing in official University records. If the student is an unmarried, unemancipated minor, a copy of the letter shall be sent to the parents or guardian.
 - The letter of notice shall specify a hearing date not less than three, nor more than ten, work days after the receipt of the letter. The student defendant may request a waiver of the three day minimum.

- c. The Dean or Discipline Committee may, but is not required to, grant a waiver if requested by the student charged to appear before the committee.

Rights of Student Defendants and Victims

- 2.41 The student defendant and victim shall be informed of the due process rights as outlined below.
 - 2.41.1 The student defendant and the victim have the right to a closed hearing.
 - 2.41.2 The student defendant and the victim have the right to appear at the hearing alone or with an attorney, advisor, or friend. The attorney, advisor, or friend may advise the defendant or victim but may not address the committee, witnesses, or other party/parties. The SGA Director of Student Rights and Grievances is available to assist students in the preparation of their defense and may attend the hearing at the request of the student defendant. The Director may be contacted through SGA by calling (985) 448-4557.
 - 2.41.3 The student defendant and the Dean have the right to challenge members of the hearing committee;
 - 2.41.4 The student defendant has the right to know what documentary evidence will be offered against him/her;
 - 2.41.5 The student defendant has the right to know the identity of each witness who will testify;
 - 2.41.6 The student defendant and the Dean have the right to summon witnesses (see 2.50 and 2.51);
 - 2.41.7 The student defendant and the Dean have the right to offer evidence (see 2.50 and 2.51 and 2.74-2.82)
 - 2.41.8 The student defendant has the right to argue on behalf of self;
 - 2.41.9 The Dean, student defendant, victim and Committee members have the right to cross-examine each witness who will testify;
 - 2.41.10 The Dean, the student defendant and victim will be informed of the outcome of the hearing.
 - 2.41.11 Victims of cases involving violence and/or sexual offenses will be informed of the outcome of the hearing and subsequent appeals.
 - 2.41.12 The student defendant has the right to appeal the decision of guilt or any sanction resulting there from.
 - 2.41.13 The Committee Chair has the right to postpone the hearing for good cause.

Duties of Dean with Reference to Hearing

- 2.42 The Dean shall perform the following:
 - 2.43 Set the date, time, and place for the hearing and notify the student defendant of same and the basic rights;
 - 2.44 Summon students and/or University employees to serve as witnesses;
 - 2.45 Insure the presence of documentary and other evidence requested by the student defendant or the committee;
 - 2.46 Arrange for a suitable room, necessary equipment, clerical assistance and recording of the hearing;
 - 2.47 Present the case on behalf of the University. In cases of academic dishonesty the Academic Dean shall perform the function of the Dean. In case of conflict, an alternate will be chosen from among the academic deans.
 - 2.48 Report non-compliance with a summons by a University employee to the appropriate administrative official;

Preliminary Matters

- 2.49 Cases in which charges arise out of a single or several transactions involving one or more students may be heard together. Upon written request, the committee may grant a separate hearing to any student.
- 2.50 At least two work days prior to the hearing date, the student concerned shall furnish the Dean with: the name of each witness to be summoned and a description of all documentary or other

evidence to be produced; notice of intent to challenge any member of the committee; whether the student defendant will be accompanied by an attorney; and a request for a separate hearing, if any.

- 2.51 The Dean shall make available upon written request to the defendant, at least two work days prior to the hearing date: the name of each witness to be summoned and a description of all documentary or other evidence to be produced; notice of intent to challenge any member of the committee; and a request for a separate hearing, if any.
- 2.52 If the accused student or the Dean is not satisfied with the fairness or objectivity of any member of the committee, either may challenge that member. Each party is allowed two challenges. The committee shall decide on the validity of the challenge. The challenged member shall leave the hearing room and shall not participate in the deliberation or the voting, except to give reasons why he/she should not be excluded.

Procedure

- 2.53 The purpose of the hearing is to search for the truth, therefore the hearing is informal and the chair shall provide reasonable opportunities for witnesses to be heard.
- 2.54 The hearing is closed. Upon request of the student defendant, the Committee may allow, but is not required to permit, the hearing to be open; however, if the victim/complainant wishes it to be closed, it will be closed.
- 2.55 The following persons may attend: members of the Committee, the Dean and appropriate staff; the student defendant and an attorney, advisor, or friend; the victim/complainant who has been harmed and an attorney, advisor, or friend; and the SGA Director of Student Rights and Grievances. The defendant or the victim may choose the SGA Director of Student Rights and Grievances as their advisor or friend.
- 2.56 The Dean may proceed against a student defendant who fails without good cause to comply with a letter of notice or may proceed with the hearing in the student's absence. If the student does not appear at the hearing, he or she waives the right to appeal the Committee's decision. (See also 2.38.)
- 2.57 The committee shall proceed generally as follows during the hearing:
- 2.58 The Chair calls the meeting to order.
- 2.59 The Dean reads the complaint.
- 2.60 The Chair informs the student of the rights listed in sub-sections 2.41-2.41.13, 2.19, 2.51 and 2.54.
- 2.61 The student enters a plea of guilty or not guilty. If guilty proceed to 2.70.
- 2.62 The Dean presents the evidence regarding the complaint.
- 2.63 The student defendant presents his/her defense. The defendant's attorney, advisor, or friend may advise the defendant but may not address the committee, witnesses, or other parties.
- 2.64 The Dean, defendant and Committee members will have an opportunity to question all witnesses. The victim may suggest questions for the Dean to ask.
- 2.65 The Dean and the student defendant may present rebuttal evidence and argument.
- 2.66 Summations will be presented in the following order: student defendant and the Dean.
- 2.67 The committee deliberates in private and decides the issue of guilt or innocence based on the evidence presented following examination of each issue presented by the case before it. Notes and copies of documentary evidence may be brought into the private session to assist in the deliberations. All individual notes taken must be destroyed at the conclusion of the hearing.
- 2.68 The standard of guilt is whether it is more likely than not that the defendant committed the violation charged. The issue will be determined by simple majority vote of the Discipline Committee members present.
- 2.69 In the hearing room, the committee announces its decision as to guilt or innocence to all of the parties and their advisors. Where there is more than one defendant, they will be addressed individually in a serial manner unless each individual requests group notification.

- 2.70 If the student pleads guilty or the committee finds the student defendant guilty, the Dean, victim, and the student defendant may present evidence and argument on an appropriate penalty, as provided under Sub-sections 2.83 through 2.97. The Dean may also call the victim as a witness.
- 2.71 The committee then deliberates in private and determines an appropriate sanction by examining the issues specific to the case. Notes and copies of documentary evidence may be brought into the private session to assist in the deliberations where the appropriate penalty is determined.
- 2.72 In the hearing room, the Committee announces its recommendation as to sanctions if any, to all parties and their advisors. Where there is more than one defendant, they will be addressed individually in a serial manner. All parties will be advised against releasing educational discipline record information.
- 2.73 In cases heard by the Discipline Committee, the Committee Chair gives the decision and/or recommended sanctions in writing to the Vice President for Student Affairs and Enrollment Services for procedural and substantive review, implementation, notification or other appropriate action, including rejection, modification or referral to the Committee for further consideration. Only when the Vice President for Student Affairs and Enrollment Services finds that procedural or substantive due process has been deficient will the Committee's recommendations be rejected, modified or referred back for reconsideration. The decision is communicated in writing to the student defendant and victim (in cases of sexual assault or violence). In cases of academic misconduct, violation of sub-section 1.9, the College Academic Grievance Committee Chair gives the decision of the Committee in writing to the Academic Dean for implementation.

Evidence

- 2.74 Legal rules of evidence do not apply to these hearings. The committee may admit any evidence that is relevant and fair, and that will assist the committee in its decision. The committee may restrict evidence that is unduly repetitious. Evidence decisions will be made by the Committee chair. The committee shall respect the rules of privilege recognized by law, including communication between a student and a member of the staff of University student health services and counseling services.
- 2.75 The committee shall presume a student defendant innocent of the alleged violation until it is convinced of his/her guilt according to the standard noted in subsection 2.68.
- 2.76 A witness shall testify and/or produce documentary and other evidence unless the testimony, document, or any other evidence is privileged.
- 2.77 A student defendant or the student's spouse may not be compelled to testify.
- 2.78 All evidence presented will be made a part of the hearing record.
- 2.79 Documentary evidence may be admitted in the form of copies or extract or by incorporation through reference. Other physical evidence may be admitted in the same manner. Other evidence may also be photographed or described for the record.
- 2.80 The Dean may introduce as evidence of guilt or innocence the student defendant's past discipline record, to show a pattern or system of violations, only where the past violations are similar to the violation in question. The Dean may not introduce such evidence in order to show the student defendant's general moral character.
- 2.80.1 In cases of sexual offenses (1.7) evidence or testimony may not be presented concerning the victim's past sexual history.
- 2.81 The committee shall decide the issue of guilt or innocence and an appropriate penalty solely on the basis of evidence presented.
- 2.82 The committee may consider a student defendant's discipline record in determining an appropriate penalty after finding the student guilty of the alleged violation.

Sanctions

Discipline sanctions may be imposed in response to sanctionable misconduct committed by students and student groups. The purpose of imposing sanctions is (1) the educational and social development of the student and the University community, (2) to provide appropriate penalties, and (3) to deter other acts of misconduct which thwarts the aims, purposes, and policies of the institution.

The Dean may impose discipline sanctions outlined in Sub-section 2.30. The Discipline Committee may recommend to the Vice President for Student Affairs and Enrollment Services one or more penalties from Sub-section 2.83 through Sub-section 2.97 except Sub-sections 2.92 and 2.93. The College Academic Grievance Committee may recommend to the Dean one or more of the following penalties: 2.83, 2.84, 2.85, 2.92, 2.93, 2.94, 2.95 and 2.97.

No refund or credit of tuition, fees or other costs associated with attendance at the University, including housing and meal charges, will be made to students when discipline sanctions are imposed which result in the student being deprived privileges and/or access to services.

- 2.83 Admonition - written reprimand from the Dean to the student, on whom the penalty is imposed, placed in the student's permanent discipline record.
- 2.84 Warning Probation - written notification that further violations of any sub-section of this code will result in more severe discipline action. Warning probation may be imposed for a period of not more than one calendar year, and the student shall be removed automatically from probation when the imposed period expires. The terms of warning probation shall be decided by the Dean or Vice President for Student Affairs and Enrollment Services.
- 2.85 Disciplinary Probation - written notification that further violations of any sub-section of this code may result in suspension. The terms of disciplinary probation shall be decided by the Dean or Vice President for Student Affairs and Enrollment Services.
- 2.86 Bar against Readmission - written notification issued to a student who has left the University that he/she will not be allowed to re-enroll at the University until a pending discipline matter has been resolved. In the case of a serious violation, a notation of the discipline matter will be placed on a student's transcript until it is cleared. The penalty terminates on clearance of the discipline matter. Bar against readmission may also be imposed for a period of not more than two years as agreed by the student and Dean.
- 2.87 Restitution - reimbursement for damages caused by the student's conduct. Restitution may be monetary reimbursement or may take the form of appropriate service to repair or otherwise compensate for damages.
- 2.88 Fines - The Dean or the Committee may impose monetary fines to fit the particular case. If the fine is not paid, it remains on the student's record as indebtedness to the University which renders the student ineligible to register for subsequent semesters.
- 2.89 Community Service - The Dean or the Discipline Committee may assign community service work to fit the particular case.
- 2.90 Suspension of Rights and Privileges - an elastic penalty. The Dean of Student Life or the Discipline Committee may impose limitations to fit the particular case, which could include eviction from the residence facilities and/or prohibition from entry or visiting any area of the campus.
- 2.91 Suspension of eligibility for official athletic and non-athletic extracurricular activities - The Dean of Student Life or the Discipline Committee may prohibit the student on whom this penalty is imposed from joining a registered organization; taking part in a registered organization's activity, or attending its meetings or functions; and from participating in an official athletic or non-athletic extracurricular activity. A suspension may be imposed under this Sub-section for more than one calendar year.
- 2.92 Failing Grade/removal from class/lab - may be assigned in a course in which the student was found guilty of academic dishonesty or severe or repeated disruption of class/lab activities. The

- student will be banned from attending the class/lab activities.
- 2.93 Denial or Revocation of Degree - a student found guilty of academic dishonesty may be denied a degree, or, if the dishonesty is discovered and proven after the degree is awarded, it may be revoked.
- 2.94 Cancellation of registration or denial of credit may be imposed in cases where the student is found guilty of withholding information relating to the student's admission, transfer credits, academic status, records, etc.
- 2.95 Suspension from the University - the student is suspended for a specified period of time. During the period of suspension the University may prohibit the student on whom this penalty is imposed from taking or completing classes, from living in campus housing, from visiting the University campus without prior written approval of the Dean of Student Life, from being initiated into an honorary, social or service organization, and from receiving credit from any college or university, public or private, for academic work done in residence or by correspondence or extension. A discipline suspension message will appear on the grade label of any student suspended for discipline reasons, and the student will receive F's for all courses in which he/she is enrolled. The discipline message is removed at the end of the suspension period; however, the failing grades will remain.
- 2.96 Temporary Suspension until administrative hearing can be held - may be used by the Dean in the event of a threat of safety to the University community or if a student refuses to answer a summons or in any case of student conduct which disrupts or may disrupt university activities or services. The Dean may impose any or all prohibitions listed in Sub-section 2.95.
- 2.97 Dismissal from the University - A student is suspended for an indefinite period of time and may be readmitted only by action of the Discipline Committee. After a reasonable or specified period of time has passed, the student must petition the University Discipline Committee for readmission. A letter addressed to the Committee chair must prove to the Committee that the actions for which the student was dismissed will not occur again, with documentation in support thereof. The Committee may ask the student to appear in person. The Committee may take any of the following actions: (1) deny the student's readmission; (2) readmit the student on probation and with restrictions upon his/her campus privileges; (3) readmit the student on probation only. If readmitted, no credit will be given for academic work done elsewhere during the suspension period. The Discipline Committee may impose any or all prohibitions listed in Sub-section 2.95.

SECTION THREE

Educational Records - Discipline

- 3.1 The University maintains for every student who has received any discipline sanction under Section Two a written record that shall reflect the nature of the charge, the penalty assessed, and any other pertinent information.
- 3.2 A tape recording of Discipline Committee proceedings, except when the Committee deliberates in private, shall be maintained with the written record.
- 3.3 At the direction of the Vice President for Student Affairs and Enrollment Services, the Director of Records and Registration shall place on the student's transcript the indication of any of suspension, dismissal, or bar against readmission which has been imposed as a result of discipline action, and shall remove said indication at the end of the penalty period (in case of dismissal, the record is permanent).
- 3.4 Records of discipline proceedings are confidential in accordance with federal and state laws which govern access of Educational records. The contents of the student's record may not be revealed to anyone not associated with campus discipline except upon the written request of the student defendant or a court-ordered subpoena.

SECTION FOUR

Appeal Procedures

Discipline

- 4.1 The student has the right to appeal the decision of guilt or any sanction resulting therefrom, regardless of whether it is imposed by an instructor, the Dean or the Vice President for Student Affairs and Enrollment Services upon recommendation of the Discipline Committee pursuant to Sub-section 2.73.
- 4.2 Sanctions imposed by the Dean (or administrative staff) or the Vice President for Student Affairs and Enrollment Services are in effect during the appeal process unless a suspensive appeal is issued by the appropriate appeal officer.
- 4.3 The appeal must be made in writing within ten work days of the date of the decision, indicating as the basis for the appeal one or more of the following:
 - 4.3.1 Published procedures were not followed.
 - 4.3.2 There was insufficient evidence to support the charge(s).
 - 4.3.3 Sanction(s) imposed were inappropriate.
 - 4.3.4 Subsequent to the hearing, information was discovered which indicates that member(s) of the committee were not impartial.
 - 4.3.5 No other new evidence may be presented. The decision on appeal will be based on the records of the hearing, the letter of appeal submitted by the student and a letter of response from the Dean.
- 4.4 If the appeal is made from the decision of the Dean, the student must write a letter to the chair of the Discipline Committee.
- 4.5 If the appeal is from the decision of the Vice President for Student Affairs and Enrollment Services, the student must write a letter stating his/her case to the President of the University, for review and recommendation by the President's Executive Council Appeals Committee.
- 4.6 The decision of the President is final. However, in cases where the sanction(s) imposed include suspension or dismissal from the University for a period of one calendar year or more, the student may file an appeal by writing a letter to the President of the Board of Supervisors of the University of Louisiana System. The appeal must be filed within 30 calendar days of the decision of the President of the University. The Board's review is limited to a determination of compliance with established and appropriate procedures at the institutional level. The student shall be notified of the Board's decision.

SECTION FIVE

Academic Dishonesty and Disruptive Behavior

As members of the Nicholls State University community, students are expected to uphold the highest standards of academic and personal conduct. Academic dishonesty violates these standards as well as the trust and commitment among students and faculty to instill and to maintain the principles of integrity, responsibility, and respect for others.

Cheating is the actual or attempted deception or fraud to improve one's grade or academic standing or to aid another student in doing so. Individual faculty members may restrict, extend, or modify the university's general definition of cheating to accommodate specific course learning outcomes. All students should carefully review course syllabi and talk with their instructors to ensure their understanding of each instructor's cheating policy.

Examples of cheating include but are not limited to:

- use of unauthorized materials during an exam
- giving aid to or receiving aid from another student during an exam

- taking an exam for another student
- stealing, distributing, or having any unauthorized access to a copy of an exam or revising one's answer on a graded exam for the purpose of claiming a grading error
- use of falsified data and/or references
- use of unauthorized materials in preparation of an assignment representation of the work and ideas of others as one's own (see definition of plagiarism below):

Plagiarism is the presentation of the works, words, or ideas of others as one's own, or the use of others' works, words, and ideas without giving proper acknowledgment through appropriate others to present one's work as their own. Individual faculty members may restrict, extend, or modify the university's general definition of plagiarism to accommodate specific course learning outcomes. All students should carefully review course syllabi and talk with their instructors to ensure understanding of each instructor's plagiarism policy.

Examples of plagiarism include but are not limited to:

- Copying someone else's phrase or sentence(s) without placing quotation marks around the copied phrases or sentence(s), even when the copied wording is made part of one's own sentence.
- Not supplying proper documentation or bibliographical information for the ideas, arguments, findings, or interpretations of data made by others paraphrased or quoted in an assignment.
- Submitting another person's work as one's own (including, but not limited to submitting a paper or report purchased or retrieved from a term paper service or one composed by a tutor, hired writer, student, friend, or relative).
- Allowing another student to copy one's own work or writing a paper, report, or any part of an assignment for another student.

Violations of the university cheating policy (or of a faculty member's cheating policy) will be dealt with in accordance with the disciplinary procedures published in the Code of Student Conduct. The faculty member is required to file a charge complaint statement with the Dean (who will then forward it to Office of Academic Affairs) whenever a student is confronted and/or disciplined for cheating (Reporting Form for Academic Dishonesty). The Office of Academic Affairs will maintain these records, and any student confronted and/or disciplined for multiple offenses (more than one) of academic dishonesty will be brought before the Academic Affairs Integrity Committee (AAIC) for further review and/or sanctions.

Academic Dishonesty and Disruption of Class/Lab Activities

The Code of Student Conduct recognizes that the student-instructor relationship within the classroom is the basic level of University life.

Expulsion from Course with Failing Grade

1. In cases of academic dishonesty or severe or repeated disruption of class/lab activities, the instructor may invoke a maximum sanction of immediate expulsion from the course with a failing grade. If the student wishes to pursue the matter further, he/she must follow the procedures detailed in the Student Academic Grievances section of this Code

More Severe Penalties

2. If a more severe penalty than expulsion from the class with a failing grade is warranted by the student's conduct, the faculty member will file a formal charge with the dean of the college offering the course (in the case of academic dishonesty) or with the Office of Student Affairs (in the case of disruptive behavior). The Dean will dispose of the violation administratively.

3. **Academic Dishonesty:** The College Academic Grievance Committee of the college offering the course will serve as the hearing panel for cases of academic dishonesty. The College Academic Grievance Committee will follow hearing procedures detailed in the Student Academic Grievance Section of this Code. The academic dean will perform the duties of the dean.
4. **Disruptive Behavior:** The Discipline Committee will hear cases of disruptive behavior. The hearing will be conducted in accordance with discipline procedures listed in Section Two of the Code. A designee from the Office of Student Affairs will perform the duties of the dean listed in the Code.

Academic Dishonesty Cases and Disruptive Behavior Cases

1. The student has the right to appeal the decision of guilt or any sanction imposed by the instructor, department head, or academic dean.
2. Appeals of decisions involving Disruptive Behavior Cases (Discipline) must be made in accordance with Section Four of this Code. Appeals involving Academic Dishonesty must be made in accordance with the Student Academic Grievance Procedures of this Code.

Student Academic Grievances

Introduction

Each academic college will implement the following procedures for the resolution of academic grievances filed by students. These procedures are to be followed by a student who feels he/she has been treated unfairly with respect to an academic matter. These procedures are also to be used in grade appeals. Other complaints, such as those concerning harassment or discrimination, must follow procedures published in the Code of Student Conduct. The student may seek the assistance of the SGA Director of Student Rights and Grievances at any time during the informal and formal procedures. All academic grievances must be initiated within the prescribed time period(s) indicated in the following Informal and Formal Procedures.

Informal Procedures:

1. The student must attempt to resolve the academic grievance with the faculty member involved within 60 calendar days of the alleged incident.
2. If the matter is not resolved with the faculty member, for whatever reason, the student may pursue the issue with the head of the faculty member's department within 90 calendar days of the alleged incident by completing a Student Academic Grievance Form and submitting it to the head of the department in which the faculty member teaches. The department head may use a department based grievance committee to review and make recommendations regarding the matter. A copy of the Academic Grievance Form is available in every academic department office and in Student Life.
3. If the matter is not resolved at the department level, the student may submit a copy of his/her academic grievance form to the Dean of the College in which the faculty member teaches. The grievance form must be filed with the Dean within 6 months of the alleged incident.

Formal Procedures:

1. The dean shall verify that the 6 month deadline for filing the academic grievance has been met. If so, the dean shall refer the matter to the College Academic Grievance Committee within 10 work days after receipt of the grievance form. If the form is not submitted to the dean within six months of the alleged incident, the dean shall inform the student in writing that the time period for acting on the matter has expired; and therefore, the form (petition) is rejected and the matter closed.

2. If the student has met the deadline, the dean shall provide the chair of the committee with copies of all pertinent documents related to the academic grievance.
3. The hearing will be scheduled by the chair at a date and time agreed upon by the complainant and the alleged offender. If agreement is not reached, the chair will set the date and time for the hearing. The chair will make every attempt to schedule the hearing within 30 work days of receiving the grievance. The chair may postpone the hearing for good cause. The decision of the chair to postpone or reschedule a hearing is final and not subject to appeal.
4. The chair will caution both parties that there should be no communication between them concerning the grievance. Both the grievant and the faculty member shall refer all matters pertinent to the academic grievance to the chair.
5. The grievant and the faculty member will provide the chair a list of witnesses to be called. Each party is responsible for notifying his/her witnesses of the meeting. The chair may assist with summoning witnesses to the hearing; however, the responsibility of producing witnesses rests with the respective parties involved.

College Academic Grievance Committee Composition

The College Academic Grievance Committee will be appointed by the dean of each college. The Committee will consist of five members: three faculty members from the college and two students. An ad-hoc committee will be appointed to hear graduate student issues. Membership of the ad-hoc committee will be three graduate faculty and two graduate students. One alternate faculty member and one alternate student will be named in the event that a seated committee member finds it necessary to excuse himself/herself or is successfully challenged. The dean will appoint one of the three faculty members to serve as chair. The College Academic Grievance Committees will hear academic dishonesty cases as well as allegations of unfair/unacceptable treatment of students by faculty. Complaints involving discrimination or harassment will be handled in accordance with Section Seven of this Code. If the case concerns academic dishonesty, the procedures followed are the same as for disciplinary matters. When the student or student group lodges a formal academic grievance of unfair/unacceptable treatment against a faculty member, procedures for conducting a hearing will be followed as described below.

Hearing Procedures

Rules of evidence, disclosure, procedure, and the burden of proof for deciding issues found in a court of law do not apply to these procedures. The purpose of an administrative hearing in a university environment is to search for the truth and to make reasonable decisions regarding the pursuit of truth and recommendations regarding such matters. To that end, the weight of proof when deciding an issue is "more likely than not." For example, does the evidence and argument presented during the hearing weigh more for accepting or rejecting the allegation? The answer to that question will provide the basis for the committee's finding.

The committee may consider those issues that a reasonable employee or student would likely consider in making decisions. The committee will operate in the spirit of fairness to all parties and thus all reasonable evidence and testimony that the Committee deems appropriate may be heard in the committee's attempt to determine the merits of the allegation and to determine recommendations regarding such matters.

1. Any member of the committee who is directly involved with the academic grievance before the committee shall excuse himself/herself in order to insure a fair hearing.
2. Either the student or the faculty member may challenge any member of the committee for lack of impartiality. The challenging party shall present grounds for the challenge. The chair will rule on such challenges. The decision of the chair is final.
3. All parties concerned with the academic grievance shall appear in person and remain until they are released by the chair.

4. Parties may appear alone or with one other person. This person may be either a friend, an advisor, or an attorney. If any party chooses to be accompanied by an attorney, he/she must so inform the chair of the committee at least 3 days in advance of the hearing. The attorney, advisor or friend may not address the committee, witnesses or the other party(ies) directly. If the student chooses to invite the SGA Director of Student Rights and Grievances to attend the meeting, this person will be permitted to attend the meeting as the advisor.
5. The student and the faculty member may present documentary evidence, witnesses, and testimony. Only three witnesses may appear for each side. Exceptions to the number of witnesses will be granted by the committee only upon demonstration that a party's case cannot be adequately presented by three witnesses. The chair will rule on all exception requests. The decision of the chair is final.
6. The following sequence shall be followed for the presentation of testimony:
 - a. Grievant opening statements
 - b. Faculty opening statements
 - c. Testimony and cross examination of witnesses
 - d. Student closing statement (10 minute limit)
 - e. Faculty closing statement (10 minute limit)
 - f. Student rebuttal (5 minute limit)
 - g. Faculty rebuttal (5 minute limit)
7. The committee reserves the right to question any party appearing before the committee at any time.
8. All testimony on behalf of the student and the faculty member shall be heard unless judged by the chair to be repetitious or irrelevant. The decision of the chair is final.
9. Neither the student nor faculty member shall question the other directly but may suggest questions to the chair.
10. A tape recording of the proceedings, except for the committee deliberations in executive session, will be maintained along with the written record.
11. After all evidence has been presented, the committee will move into executive session to evaluate the testimony, including documentary evidence presented, and will reach a decision on the validity of the academic grievance and action to be taken. The committee may take notes or materials with them into executive session. All individual notes will be collected and destroyed at the conclusion of the hearing. The committee will review the findings and cast ballots in executive session. Each member is allowed one vote. The weight of proof for deciding an issue is "more likely than not." See first paragraph of section titled "Hearing Procedures."
12. The committee will reconvene in regular session for the purpose of informing the student and the faculty member of its findings and recommendation(s).
13. The committee will report its findings and recommendations to be taken to the dean of the college within ten (10) work days of the hearing. The chair will forward the records of the hearing and minutes of the meeting to the dean.
14. The dean will conduct a procedural and substantive review of the matter. The dean will either accept the findings and implement the recommendations of the committee, or if the dean determines that a procedural or due process error has been made, reject the findings and/or recommendations of the committee and impose appropriate action or refer the matter back to the committee for reconsideration.
15. The dean will notify the student and faculty member in writing of his/her decision(s) regarding the matter within 10 days of receipt of the report from the college Academic Grievance Committee. The dean's letter will advise the student of his/her right to appeal and the procedures for submitting an appeal.

Appeal Procedures

The student or the faculty member may appeal the decision of the dean of the college by petitioning the Vice President for Academic Affairs in writing within 10 work days from the date of the letter sent by the dean. The Vice President shall forward the petition to the Chair of the Academic Policies and Standards Committee (undergraduate) or Graduate Council (graduate student appeals).

The petition must indicate the basis for the appeal one or more of the following:

- a. Published procedures were not followed;
- b. There was insufficient evidence to support the Committee's decision(s);
- c. Sanctions imposed were inappropriate;
- d. Subsequent to the hearing, information was discovered which indicates that member(s) of the committee were not impartial.

No new evidence may be presented. The decision on appeal will be based on the records of the College Academic Grievance Committee hearing, the contents of the official file including the letter of notification issued by the Dean, and the appeal petition submitted by the student or faculty member. The Academic Policies and Standards Committee (Graduate Council) will, within 10 work days of the receipt of the petition by the Vice President for Academic Affairs, complete a review of this matter and send its findings and recommendation(s) to the Vice President for Academic Affairs for review, implementation, rejection or referral back to the appropriate committee or academic administrator for further consideration. The Vice President will notify in writing the student, faculty member, and other appropriate parties of the decision in this matter.

The student or faculty member may appeal the decision of the Vice President by submitting a petition to the President for review and recommendation by the President's Executive Appeals Committee. The petition must be filed with the Office of the President within 10 work days of the letter sent by the Vice President for Academic Affairs. The petition must indicate the basis for the appeal as noted in items a, b, c, and d above. No new evidence may be presented. The review will be based on the records the case and the appeal petition submitted by the student or faculty member.

The President will notify the appropriate parties of the decision. The decision of the President is final.

A copy of the Student Academic Grievance Form documenting the outcome of the grievance procedure will be forwarded to the Academic Dishonesty Data Warehouse in the Office of Academic Affairs

Academic Affairs Integrity Committee

Purpose:

It is considered important that students disciplined for academic dishonesty not repeat this action in other university settings. Therefore, the office of Academic Affairs will maintain records of those students disciplined for academic dishonesty (name, offense, and disciplinary action taken). If a student is recorded as a multiple offender (more than one listing in the data file) of the academic dishonesty policy, the student will be brought before the Academic Affairs Integrity Committee for review, and the AAIC may impose additional sanctions upon the student.

The faculty is responsible for reporting all cases in which a student has been confronted and/or disciplined for cheating to the Office of Academic Affairs using the form attached (Reporting Form for Academic Dishonesty) even when disciplinary action has been taken at the faculty level.

Membership

The Academic Affairs Integrity Committee will be composed of one tenured faculty member from each college, one dean, and one student representative to be appointed by the SGA president. Faculty mem-

bers will be nominated by the deans of each college and approved by the Vice President for Academic Affairs. The VPAA will also appoint a dean to the committee.

Process:

Academic Affairs requires that instructors report all suspected and known cases of academic dishonesty to the Academic Affairs Integrity Data Warehouse using the Reporting Form for Violations to the Academic Integrity Policy). The instructor must submit concerns or the paper in question with an explanation and any supporting materials (such as a Turnitin or Safe Assign).

When a student commits more than one act of academic dishonesty (based upon Academic Affairs Integrity Data Warehouse records) the documentation will be forwarded to the Academic Affairs Integrity Committee for review. The Committee will conduct a thorough review of all documentation on file and, at its discretion, interview parties involved. If warranted, the committee may impose additional sanctions on the multiple offender as outlined below.

The student may appeal the decision of the Academic Affairs Integrity Committee by submitting a petition for review and recommendation by the President. The petition must be filed with the office of the President within 10 work days of the letter sent by the Academic Affairs Integrity Committee. The petition must indicate the basis for the appeal as one or more of the following:

- a. Published procedures were not followed;
- b. There was insufficient evidence to support the committee's decision(s);
- c. Sanctions imposed were inappropriate;
- d. Subsequent to the hearing, information was discovered which indicates that members(s) of the committee were not impartial.

No new evidence may be presented. The review will be based on the records the case and the appeal petition submitted by the student or faculty member.

The President will notify the appropriate parties of the decision. The decision of the President is final.

Types of Sanctions:

OFFENSES RECORDED WITHOUT ADMISSION OF GUILT

Two offenses recorded -- If the offenses are "minor," for example, a first-offense plagiarism case where a student misused citations (e.g., has a reference page but lacks internal citations, has internal citations but forgot quotation marks on quotes, or has haphazard citations altogether), a warning plus points off on assignment and assigned hours in the Writing Center to work with a tutor on use of sources may be appropriate. This includes a written statement from the committee censuring the student for violating the academic honesty policy and warning the student that another offense will result in more serious action.

If the two offenses are deemed more serious than the minor offenses illustrated above, such as papers copied from the Web with no references at all, purchased papers, or "borrowed" papers, sanctions shall begin at the level and severity of "three offenses recorded."

Three offenses recorded – A minimum sanction of a grade of "F" for the class(es) in which cheating incidence occurred for that semester. If deemed sufficiently egregious, the student shall be suspended from the University for up to two regular semesters as deemed appropriate by the committee. The student will be allowed to reenter the university after serving the suspension and his/her previous record of academic dishonesty will remain active.

SECTION SIX

Computer Use Policy

Nicholls State University has a specific policy that governs the use and abuse of the University's resources. Students granted access to the University's computing facilities are required to abide by the established policy for computer use. A copy of the policy may be obtained by contacting the Office of Academic Affairs.

The Computer Use Policy is a comprehensive policy dealing with aspects of computer abuse, whether physical or logical. It applies to all University computing facilities mainframes, minicomputers, microcomputers, and associated equipment and links, as well as software, whether developed by Nicholls or purchased. If abuse, actual or threatened, is suspected or detected, the matter will be referred to the appropriate law enforcement agency or University office or authority for disciplinary action. Confirmed abuse can result in criminal prosecution, dismissal, loss of computer use privilege and other such remedies as provided by established laws and policies of the university.

In general, abuse is defined as any improper use or treatment of computing facilities including, but not limited to, acts which, by mischief or gross negligence, result in physical damage, defacement, or destruction of computing equipment; theft; unauthorized access or use; unauthorized alteration, substitution, or deletion of programs, command files, data files, documentation, or other material; wiretapping or any form of unauthorized signal interception; divulgence of confidential information or computer access methods to unauthorized persons; copyright or patent infringement; transmitting statements which are obscene or libelous according to law through or with computer systems; failure to safeguard computer systems in both their physical and logical aspects; and failure to notify management or security personnel of instances of abuse, either actual or threatened, or conspiracy to commit any of the above. The detailed and exact definition is specified in the university-published Computer Abuse Policy.

Definitions

Terminology

1. **User** - Any employee, student, or other individual to whom computer access is granted.
2. **Computer equipment** - Computer processors, memory, peripheral devices, communication links, communication equipment, supply lines, storage media, or any terminals, printers, modems, or any other ancillary equipment or devices connected to or in any way used in conjunction with the mainframes, minicomputers, microcomputers and word processing units owned, leased and/or operated by Nicholls State University. This is extended to include analog as well as digital devices.
3. **Software** - Computer source and binary programs or modules, including intermediate or universal code, whether for system or applications use, command files, menu formats, and on-line manuals used with "help" facilities. This is extended to include firmware.
4. **Computer Facilities** - Computer equipment and software, as defined above, considered as an entity.

Physical Damage

Acts which, by mischief or negligence, result in damage to, defacement of, or destruction to computer equipment maintained by Nicholls State University.

Theft

The unauthorized use or taking for one's own personal use of computer equipment or software.

Software Copyright Restrictions

The use of computing equipment or communication facilities to make unauthorized or illegal copies of proprietary software or in any way to infringe upon copyrighted or patented material of any nature.

NOTICE: WARNING OF COPYRIGHT RESTRICTIONS. The Copyright Law of the United States (Title 17, US Code) governs the reproduction, distribution, adaptation, public performance, and public display of copyrighted material.

Under certain conditions specified by the law, nonprofit libraries are authorized to lend, lease, or rent copies of computer programs to students on a nonprofit basis and for nonprofit purposes. Any person who makes an unauthorized copy or adaptation of the computer program, of redistributes the loan copy, or uses the loan copy for monetary gain, or publicly performs or displays the computer program, except as permitted by Title 17 of the US Code, may be liable for copyright infringement.

This institution reserves the right to refuse to fulfill a loan request if, in its judgment, fulfillment of the request would lead to violation of the copyright law.

Software Tampering

Unauthorized alteration, substitution, or deletion of programs, command files, data files, documentation, or other material is illegal. This shall include the use of Trojan horses, spoofs, computer viruses (as defined in the common literature), or any other device, material, logical or physical, to obtain these ends. This also includes the use of computer facilities to gain unauthorized access to systems external to Nicholls and use of command files to add to, delete or modify any education record as defined by the FERPA.

Negligence

By design or neglect allowing computer logos, passwords, encryption keys, or any other access methods to be obtained by unauthorized entities is illegal. This includes failure to safeguard computer equipment in both their physical and logical aspects from abuse. Further, this includes the failure to notify management or security personnel of instances of abuse either actual or threatened.

Unauthorized Use of Data

Using sensitive or confidential information with which one is entrusted for personal gain or interest; dissemination of such information, or by design or neglect allowing unauthorized access to or use of such information.

Improper Use

Using the electronic mail or other communication facilities to transmit statements of an obscene, libelous, or threatening nature as defined under current judicial definitions.

General

Use, Rights, Privileges

The University's computing facilities are provided for the use of students in pursuing the ends of academic endeavors. By keeping in good standing with the University, a student will be allowed computing privileges. These privileges entail certain rights to privacy and security.

Responsibilities

It is the student's responsibility to ensure that his/her account password is kept confidential. If abuse or threatening messages occur due to allowing other students to access the account, the student who owns the account will be held accountable. Students are charged with special responsibilities for safeguarding the facilities with which they are entrusted. Failure to adequately and conscientiously safeguard these facilities from misuse will subject a student to being denied access to and use of the facilities. Furthermore, any damage to or infringement of copyrighted material or confidential data resulting from negligence may additionally subject the student to disciplinary action commensurate with the loss including dismissal or legal prosecution in accordance with University policies and local, state and federal laws.

Physical Damage, Abuse, Theft, and Logical Abuse

Acts of physical damage, abuse, and threats of such abuse will be handled in accordance with previously established procedures including criminal or civil prosecution and discipline under the University Code of Student Conduct, where applicable. Logical abuse, such as copyright infringement, software piracy, alteration of accounting, academic, and other databases for personal gain or mischief, plagiarizing, gaining or permitting unauthorized access, and the like will be handled in accordance with applicable criminal, civil, or university procedures.

Acts of abuse which constitute a violation of local, state, or federal criminal or civil statutes will be referred to the appropriate law enforcement agencies. Nicholls State University, at its discretion, will pursue whatever legal and University avenues it deems necessary for achieving reparations.

Unauthorized Access and Use

Using the computer to gain unauthorized access to instructional material for personal gain or profit, or to gain unauthorized access to another student's assignments, or for the purpose of sharing work in an unauthorized manner will be considered a violation of the University's Code of Student Conduct. In addition to the sanctions provided under that policy, a student may also be denied access to computing facilities and be subject to other legal or academic discipline as appropriate.

Computer Lab and Network Usage Policy

General Policies

Lab Environment.

The open academic computer labs on campus are operated by Academic Computing/Instructional Technology Support (ITS) and are fully supported and maintained by Student Technology fees. These labs include: Ellender lab – 1st floor of the Ellender Library, 101& 102 Ayo Hall, 109 & 110 Powell Hall (Cenac lab). In addition to these academic open labs, the following labs also supported and maintained by Student Technology fees and may adhere to several of the same lab policies. These labs include: all floors of Ellender Library and 130 Polk Hall (LRC lab)

It is expected that all computer labs will maintain a quiet, library-like atmosphere so the patrons can use their time productively and with few distractions. Although students are sometimes required to work in groups for some class projects and need to talk among themselves, this must be done in a controlled manner. Students working on a group project may be asked to move to 110 Powell Hall (Cenac Lab), when available, so they can be less distracting to the other students. In addition, groups of students are not allowed to move chairs from operational workstations in order to gather around one computer. Students are to help maintain a safe environment in the computer labs by not placing their book bags or personal belongings in the aisles.

Academic vs. Non-Academic.

Academic computer labs are set up to assist students with the resources they need to accomplish their academic requirement. Patrons may use the computers to check e-mail and to browse the Internet for non-academic use as long as computers are available for academic use. If computers are needed for academic use, patrons doing non-academic work may be asked to leave.

Entrance Policy.

A Nicholls Faculty/Staff/Student ID is required for entrance into all open labs (101&102 Ayo Hall, 1st Floor Ellender Library, and 110 Powell – Cenac Lab). No exceptions will be made.

Patron composition.

No children shall be allowed in any of the academic computer labs, as these labs are considered an “extension of the classroom.”

Student Accounts.

All students are given active student email, network and Blackboard accounts. These accounts are needed to use many of the resources in the academic computer labs. Failure to follow the guidelines set forth in the Computer Usage Policy may result in the deactivation of these accounts, which in turn will hinder the student’s ability access necessary computer resources and accomplish academic requirements.

Lab Assistant WorkStation.

The lab assistant workstations are to be used only by the lab assistants on duty. Only lab assistants are allowed behind the lab assistant and printing desks. Visitors or Computer Lab patrons are not allowed.

Print Queue/Receptionist WorkStation.

The print queue/receptionist workstation is to be used only by the print queue/receptionist on duty. Only print queue/receptionists are allowed behind the print queue/receptionist desk. Visitors or Computer Lab patrons are not allowed.

Lab Printing Policies.

A new pay-for-print system went into effect at the beginning of the Fall 2008 semester. The system will be in all Student Technology Fee supported labs. Students will be issued the equivalent of 100 black white pages per fall or spring semester. Appropriate amounts will be issued for summers and intercessions. Once a student has depleted their free quota, they may continue to print in unlimited amounts at a cost per page. Students not enrolled in a particular semester, and non-students, will not receive free prints, but may print in unlimited amounts at a cost per page.

Lab computers can be used to print personal materials, but must be included in the student’s printing limit. Under no circumstances is commercial use permitted.

Monitoring.

Academic Computing, including its full time staff and student based lab assistant staff, reserves the right to monitor any connection to our campus network for compliance with campus acceptable use policies.

Excessive Network Usage.

Playing real-time video or audio that is not directly assigned by a Faculty member is not an appropriate academic usage of university resources and is prohibited in the academic computer labs. Anyone playing real-time video or audio not directly assigned by a Faculty member in an academic lab will be required to discontinue the activity. Further disciplinary action will be taken as deemed appropriate.

Downloading and/or Installing.

Only University licensed and approved software is allowed on academic lab computers. Students needing other software to complete their required course work must contact a lab worker for assistance. Downloading and/or installing anything off the Internet or installing personal software is strictly prohibited. Any student caught downloading and/or installing programs in the labs will be required to discontinue the activity or vacate the lab. Further disciplinary action will be taken as deemed appropriate.

Audio Distractions.

Listening to the radio, cassettes, or audio from CDs, without headphones, in any lab is strictly prohibited. Students are allowed to listen to the radio, cassettes, or audio from CDs with headphones in specified areas, which are Ayo and Cenac Labs. Headphones are not allowed in the Ellender lab. The exception is with regard to multimedia software on multimedia computers directly assigned by a Faculty member. While headphones are allowed in some labs, students must still adhere to the no download/install policy previously mentioned. Student may not download music or install software from which to listen to the music. Anyone violating these rules concerning audio distractions in the labs will be required to discontinue the activity or vacate the lab. Further disciplinary action will be taken as deemed appropriate.

Game Playing.

Game playing is not an appropriate academic usage of university resources and is strictly prohibited in all academic computer labs. Anyone playing computer games in an academic lab will be required to discontinue the activity or vacate the lab. Further disciplinary action will be taken as deemed appropriate.

Pornography.

Pornography is not an appropriate academic usage of university resources and is strictly prohibited in all academic computer labs. Anyone viewing pornography in an academic lab will be required to discontinue the activity or vacate the lab. Further disciplinary action will be taken as deemed appropriate.

Telephones.

The phones are not for the use of the general public or patrons except in emergencies or to call for a ride (especially after dark).

Cell phones.

Cell phones should be turned off or silenced upon entering any academic lab. Anyone violating this rule will be required to discontinue the activity or vacate the lab. Further disciplinary action will be taken as deemed appropriate.

Food, Drinks, Tobacco Products.

No food, drinks, or tobacco products are permitted in the labs at any time.

Computer Supplies.

Under no circumstances will any Patron be allowed to leave with supplies. Supplies are to be handled only by ITS employees.

Accidents.

In the case of accidents that result in injury, regardless of how insignificant the injury may be, students should contact the lab assistant immediately.

Unsafe Actions.

Students shall not engage in any unsafe actions like horseplay or fighting. Students engaging in such unsafe activities will be asked to leave, or University Police will be called.

Alarms.

Students should be able to recognize and evaluate the situation in relations to all alarms. If a fire alarm goes off or a bomb threat is reported, students will be asked to immediately stop working, to gather belongings and to evacuate the lab immediately. Everyone must remain outside until told by someone in charge that it is safe to reenter the building.

Copyright Infringements

All students should recognize that information obtained through electronic methods may be protected by copyright laws of the United States (Title 17 U.S. Code), the Digital Millennium Copyright Act (H.R. 2281), and the World Intellectual Property Organization (WIPO). As such, any student in violation may be prosecuted under the terms of the law. It is the student's responsibility to understand the laws pertaining to copyright infringement. A guide of how the law affects a student will be made available in the Library and in the Office of Academic Affairs.

SECTION SEVEN

Anti -Discrimination Policy and Procedures

The University is ethically committed not to discriminate and allow individual/groups to discriminate against students, faculty or staff on the basis of their gender, sexual orientation, race, religion, national origin, age, marital status, disability or veteran's status. A member of the Nicholls community who believes that he or she has experienced discrimination by being denied equal rights with others or by being forced to work and learn in an environment that is hostile to members of his or her class may file a complaint with either the Dean of Student Life (student complaint) or the Director of Human Resources (faculty or staff) or any other appropriate officer of the University, including Confidential Advisors. The complaint will be processed according to the procedure set forth below. Some special instances of discrimination prohibited by the University are described in the following paragraphs. In all cases, it is a violation of the Code of Student Conduct and therefore the University to retaliate against any complainant or witness.

Statement Of Policies

Sexual Harassment

It is the policy of Nicholls State University that no member of the academic community may sexually harass another. Sexual advances, requests for sexual favors, disparaging remarks and other conduct of a sexual nature constitute harassment when:

- They are unwelcome;
- They are made under circumstances implying that one's response might affect academic or personal decisions that are subject to the influence of the person making such proposals;
- Such conduct is persistently abusive of others and implies a discriminatory attitude or hostility toward their personal or professional interests because of sex; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive learning or work environment.
- Examples of such conduct include unwanted touching, repeated negative comments about the abilities of one sex or another, repeated personal questions of a sexual nature, repeated sexually oriented comments about an individual's appearance.
- Such conduct may constitute sexual harassment whether it is exhibited by a male or female, inside or outside the classroom, or in the workplace, or whether it involves students, faculty, or staff.

Racial Harassment

It is the policy of Nicholls State University that no member of the academic community may harass another member on the basis of his or her race. Disparaging remarks, the use of offensive epithets, general statements about racial characteristics, etc., constitute harassing conduct when:

- They are unwelcome;
- They are repeated frequently;
- They imply a discriminatory attitude or hostility towards an individual because of his or her race or towards an entire racial group;
- They are so severely abusive and repeated so often as to create an atmosphere of hostility;
- They have either the purpose or the effect of interfering with the victim's academic or work performance or creating an intimidating, hostile, or offensive learning or work environment.

A single offensive remark, however hurtful, may not constitute racial harassment. Nevertheless, the University strongly disapproves of any such conduct, and will take action based on the severity and frequency of repeated conduct.

Students with Disabilities

It is the law and the policy of Nicholls State University to prohibit discrimination, including harassment, against students with disabilities. Complaints about discrimination or harassment based on disability will be investigated and resolved promptly. A student may present a complaint to any university officer or to a confidential advisor.

Students with a documented disability may receive accommodations both for their academic and their student life, for example, extended time on tests if they have a documented learning disability, or wheelchair-accessible accommodations in the residence facilities if such are needed. To receive any type of accommodations of their disabilities, students must register in the Office of Disabled Student Services, in Peltier Hall Testing Center Office, 101 Peltier Hall - 448.4430. They must provide acceptable documentation of their disability.

If an accommodation that the University must provide is denied, the student must first consult with the Director of Disability Services, who will attempt to resolve the problem. In cases of academic accommodations which are denied, if the Director cannot resolve the problem, then the student may proceed to file a student academic grievance, following the procedures set forth; alternatively, the student may follow any more specific procedure for disability-related matters that the department denying the request may have in place.

Procedures

Procedures

- 7.1 Any individual who believes that harassment/discrimination has taken place may bring a complaint or file a grievance. Complaints will be handled informally while grievances will involve a formal investigation and may result in hearings.
- 7.1.1 Cases alleging harassment/discrimination by a student shall be referred to the Dean of Student Life. The matter will be handled in accordance with section two of the Code of Student Conduct.
- 7.1.2 Cases alleging harassment/discrimination by a University employee will be handled in accordance with the following procedures:

Reporting Procedures

7.2 A student complaint may be presented orally or in writing to the Dean of Student Life, the Director of Human Resources, or any of the Confidential Advisors listed below. Student complaints regarding faculty and staff complaints may be presented to the complainant's supervisor, the Director of Human Resources, or any of the Confidential Advisors listed below:

Dr. Michele Caruso.....	448-4080	Dr. Lane Brigham.....	448-4728
Sabrina Laurent.....	448-4470	Shelby Hypolite.....	448-4083
Darlene Adams.....	448-4022	Lisa Duet.....	448-4017
Dr. Marilyn Kilgen.....	448-4710	Geralyn Lebat.....	448-4012
Dr. James Stewart.....	448-4586	Maggie Loup.....	448-4387

A confidential Advisor may serve as an advisor to the complainant throughout the informal and formal processes noted in these procedures.

7.2.1 Whether a complainant wishes to pursue matters or not, once it is reported, the Confidential Advisor is obligated to present the information to the Vice President for Student Affairs and Enrollment Services in order to prevent repetitive situations.

7.2.1.1 Information should be submitted to the VPSA in writing as a summary statement.

7.2.1.2 The complainant should present the complaint as promptly as possible after the alleged harassment/discrimination occurs, but not later than six months after the alleged occurrence.

Informal Resolution

7.2.2 The discussion between the complainant and the University officer or Confidential Advisor will be kept confidential to the extent possible under the law. In serious cases the University must investigate the allegations, even if the complainant is unsure as to whether he or she wishes to pursue the matter further. The University officer or Confidential Advisor will keep only personal notes of the allegations, which will not be transcribed and added to the record unless the information is submitted as evidence during the formal grievance process.

7.2.3 If the alleged offender is an employee, the University officer or Confidential Advisor will report the complaint to the appropriate vice president, who will designate at least two University officers to investigate the complaint and to attempt an informal resolution; however, if the complaint is not the first of its kind filed against the person accused, the University may proceed to a hearing under 7.3.5 without attempting a resolution provided the allegations of the complaint are well founded. Whenever the complaint involves a Classified Civil Service employee, the Director of Human Resources, the Delegated Appointing Authority for classified employees, will be notified and consulted throughout the process. Civil Service Rules and Regulations will be followed and will supersede this policy whenever the two conflict. The designated University officers will confront the alleged offender with the reported complaint, and will receive the alleged offender's response. The officers will warn the alleged offender that he/she is not to retaliate against nor have any contact with the person alleging the complaint or any witnesses.

Where the parties attempt an informal resolution, often a satisfactory agreement between the parties can be worked out and no further action is required. The resolution may consist of a written warning to the person alleged to have committed the discriminatory behavior and an agreement to cease the offensive conduct, an apology to the complainant, a letter of reprimand, a change in procedure, a change in non-academic accommodations, or other, similar solutions. The University officers will provide notification of the resolution to the vice president. The vice president will place a copy of the notification in the complaint file. The matter may warrant additional action by the vice president, including forwarding a copy of the resolution to the Office of Human Resources, implementation of accommodations, etc.

Formal Grievance

- 7.3 If a satisfactory solution to a complaint cannot be reached and the complainant decides to proceed, a written statement describing the alleged harassment/discrimination should be submitted to the University officers noted in 7.2.3 within 15 days of being notified by said officers that an informal resolution has not been reached.
- 7.3.1 The person receiving the statement will forward it to the vice president noted in section 7.2.1
- 7.3.2 The privacy of all individuals involved will be safeguarded as fully as possible. Information related to the case will be given only to those who are directly involved with the resolution of the charges.
- 7.3.2 The vice president to whom the complaint has been presented will forward the written complaint to the chairperson of the Anti-discrimination Committee. The chairperson will inform the alleged offender of the allegation and of the identity of the complainant, and will present to the alleged offender a copy of the written complaint.
- 7.3.3 The Antidiscrimination Committee will hear formal grievances filed against a faculty or staff member. The hearing will be scheduled by the chair of the Committee at a date and time agreed upon by the complainant and the alleged offender. If an agreement is not reached, the chair will set the date and time of the meeting. The chair will make every attempt to schedule the hearing within 30 work days of receipt of the request for a hearing.
- 7.3.4 The chair may postpone or reschedule the hearing for good cause. The decision of the chair to postpone or reschedule a hearing is final. It is not appealable.

Hearing Procedures

- 7.3.5 Procedures for conduct of the hearing are as follows:
 - 7.3.5.1 The chair shall call the meeting to order.
 - 7.3.5.2 Any member of the committee who is directly involved with the grievance before the committee shall recuse himself/herself in order to insure a fair hearing. Either the student or the faculty member may challenge any member of the committee for lack of impartiality. The chair will rule on the challenge. The decision of the chair on challenges is final.
 - 7.3.5.3 All parties concerned with the grievance shall appear in person and remain for all information presented. Parties may appear alone or with a friend, advisor or attorney. If any party chooses to be accompanied by an attorney, he/she must so inform the Chair at least three days in advance of the hearing. The friend, advisor, or attorney may not address the committee, witnesses or the other party(ies) directly.
 - 7.3.5.4 The complainant and the alleged offender may present documentary evidence, witnesses, and testimony. The number of witnesses will generally be limited to three. However, additional witnesses may be permitted by a ruling of the chair or majority vote of the committee upon either party showing that a party's case cannot be adequately presented by three witnesses.
 - 7.3.5.5 The following sequence shall be followed for the presentation of testimony:
 - a. Complainant's opening statements
 - b. Alleged Offender's opening statements
 - c. Testimony and cross examination of witnesses
 - d. Complainant's closing statement
 - e. Alleged Offender's closing statement
 - 7.3.5.6 The committee reserves the right to question any party appearing before the committee at any time.
 - 7.3.5.7 All testimony on behalf of the complainant or alleged offender shall be heard unless judged by the committee to be repetitious or irrelevant.
 - 7.3.5.8 Neither the complainant nor the alleged offender shall question the other directly but may suggest questions to the committee.
 - 7.3.5.9 At the conclusion of procedure 7.3.5.5e, the Committee will move into executive session to evaluate the testimony and reach a decision on the validity of the complaint and recommended

action to be taken. The Committee may conduct its own informal inquiry, call witnesses, and gather whatever information it deems necessary in reaching a determination as to the merits of the allegations. A preponderance of the evidence for one party or the other will determine the Committee's decision. The Committee will review the findings and cast ballots in executive session. Each member is allowed one vote.

Committee Decision Reporting And Implementation

- 7.3.6. The Committee will forward its findings and recommendations for employee disciplinary measures to the provost for review and implementation within ten (10) work days of the hearing.
- 7.3.6.1 The Provost, working with the Appointing Authority, will complete a procedural and substantive review of the matter, may accept or reject in part or whole the findings or recommendations of the committee, may modify or substitute disciplinary sanctions to be imposed, or refer the matter back to the Committee for further consideration. The Provost will notify the complainant and the alleged offender in writing of the decision.

Records

- 7.3.7 A tape recording of the hearing, except for the Committee deliberations in executive session, will be maintained along with the written record developed up to and including the hearing.
- 7.3.7.1 Notes maintained by confidential advisors as well as the content of the discussions held between the complainant and a confidential advisor will not be considered part of the official record unless such information is submitted as evidence to be considered during the hearing.
- 7.3.7.1 All records of this matter will be forwarded to the Provost with the report of committee findings and recommendations noted in subsection 7.3.6.

Appeal Procedures

- 7.4 Should the complainant or alleged offender wish to appeal the decision of the Provost, a letter must be written to the President of the University within ten (10) work days of issuance of the decision of the Provost. The appeal will be considered by the President's Executive Council Appeals Committee. The appeal letter must indicate the basis for the appeal from one or more of the following:
 - a. Published procedures were not followed.
 - b. There was insufficient evidence to support the charge.
 - c. Sanction(s) imposed were inappropriate.
 - d. Subsequent to the hearing, information was discovered which indicates that member(s) of the committee were not impartial.No new evidence may be presented. The review and recommendations of the President's Executive Council Appeals Committee will be based on the records of the matter and the letter of appeal submitted by the complainant or alleged offender.
- 7.4.1 The President will notify the complainant and the alleged offender in writing of the decision. The decision of the President is final.
- 7.4.2 Retaliatory action by any party involved is subject to immediate disciplinary action.

SECTION EIGHT

Student Complaints and Their Resolution

The State of Louisiana and the U.S. Department of Education have mandated that institutions of higher education have in place a specific procedure for the resolution of student complaints. State and federal governments are most interested in complaints that involve: 1) the mismanagement of federal financial aid funds and 2) false representation of programs and courses of study that may appear in an institution's various publications. Although Nicholls State University adheres strictly to all rules and regulations and represents as clearly as possible to students the information pertaining to their education here, students who may have complaints in either of these areas are encouraged to bring them to the University's attention through the procedure outlined below.

Other complaints may be addressed through the same procedure; however, specific complaints such as those concerning discrimination, harassment, and grade appeals discipline, academic grievances must follow the procedures specified in the Code of Student Conduct.

Procedure for Resolution of Student Complaints

1. A student who has a valid, documentable complaint against any office or employee of the University, or about any program or service offered by the University may file a written complaint along with documentation, either a) with the supervisor of the office, service, or program which provided grounds for the complaint, or b) with that individual's supervisor. The complaint will be recorded in a complaint log, noting the name of the complainant, the grounds for the complaint, and the date of filing. The student is encouraged to file the complaint as soon as possible after the incident occurred.
2. The supervisor, the student, and the person giving grounds for the complaint will meet within three workdays of the filing of the complaint to attempt to resolve the matter. The student must be prepared to present a resolution acceptable to him or her. It is expected that most complaints will be resolved at this point. The supervisor will record the outcome of the discussion in the complaint log.
3. If the discussion has ended without resolution and if further investigation is necessary to resolve the complaint, the supervisor will conduct the investigation with the ten workdays following the discussion, keeping notes and results of his or her investigation, along with a recommendation for resolution, during a second meeting with the parties involved. The parties will again attempt to negotiate a resolution acceptable to all. The results of this meeting will be inscribed in the complaint log.
4. If the student does not agree to a resolution as proposed, developed, or modified during the second discussion, he or she may file an appeal to the next University officer in the chain of command, within five workdays of the second discussion. In the appeal letter, the student must state with specificity his or her desired resolutions preferable. Upon receipt of the appeal letter, the appeal officer will request that the complaint log page(s) and other records pertinent to this case be forwarded to him or her.
5. The appeal will be decided within ten workdays, based on the student's letter of appeal as well as all notes and documentation produced during the discussions. The appeal officer may speak with all of the parties involved, or with none, if he or she sees fit; however, the appeal officer will not speak with only one of the parties without also speaking with the other(s). The officer will keep notes of these discussions. The decision of the appeal officer will be inscribed in the complaint log (after having been communicated in writing to the student).
6. Subsequent appeals will follow the procedures in 4 and 5 above, through the University Council, which will make the final campus determination.
7. If the student should decide to appeal the University Council's decision to the Board Of Supervisors for the University of Louisiana System, the procedures to be followed are those determined by the Board.
8. At whatever stage the complaint is resolved, its resolution must be recorded in the log, and a signed and dated copy of the record forwarded to the office of the appropriate vice president. The original will then be returned to the log book of the department where the complaint initiated.

*The student is assured that no retaliatory action will be taken against him or her for filing and pursuing the resolution of a complaint. All written and otherwise recorded materials relating to the filing and resolution of student complaints are to be considered education records, and, as such, are protected by the Family Educational Rights and Privacy Act ("The Buckley Amendment").

SECTION NINE

Sexual Offense Policy and Procedures

Statement of Policy

The purpose of this policy is to provide a learning atmosphere which is free of the threat of sexual offenses. Nicholls State University takes very seriously its responsibility to provide a safe campus environment. Sexual offenses are prohibited by federal and state law and by University Policy. It is the intention of Nicholls State University to take any necessary action to prevent, and, if necessary, to discipline behavior that violates this policy.

All forms of rape and other sexual offenses are considered serious offenses and may result in suspension or expulsion. Louisiana criminal law prohibits the following sexual offenses among others: aggravated rape, forcible rape, simple rape, sexual battery, oral sexual battery. Criminal prosecution of students for crimes they commit is independent of and in addition to discipline charges and actions taken under University regulations.

Definitions:

- **Rape:** the act of anal or vaginal sexual intercourse with a male or female person committed without the person's lawful consent. Consent cannot be obtained by force such as physical force, threats, intimidation, or coercion.
- **Aggravated Rape:** the act of rape where resistance is overcome by force, there are threats of bodily harm, the offender is armed with a weapon, two or more offenders participated in the act.
- **Forcible Rape:** the act of rape in which the victim is prevented from resisting by force or threats of physical violence where the victim believes resistance would not prevent rape.
- **Simple Rape:** the act of rape where the victim is incapable of resisting or of understanding the nature of the act due to intoxication by alcohol, narcotic, or any other substance; or due to unsoundness of mind.
- **Sexual Battery:** the intentional touching, whether with offender's body part, or an instrument, or object of some other type, of the person of another, no matter how slight, in or on an area of the body generally recognized as being a private part of the body; and/or the intentional touching of the offender's private body part anywhere on the other person's body.
- **Aggravated Sexual Battery:** The act of sexual battery where the offender intentionally inflicts serious bodily injury on the victim.

Procedure

The division of Student Affairs has designated one staff member to coordinate a team response to sexual offenses. In addition to the coordinator, the Task Force includes the following: a counselor, a law enforcement investigator, a medical representative, and other appointed interested members of the campus community. The services of the Task Force are available to any member of the University community who experiences a sexual offense whether on or off campus.

Procedure for Reporting

Members of the University community who believe that they have been victims of a sexual offense should report the offense to any of several University employees trained to receive these reports. These persons are as follows: Vice President for Student Affairs and Enrollment Services, Student Judicial Officer, Director of Athletics, Director of Student Union, Director of Enrollment Services, Director of Campus Recreation, Director of Financial Aid, Coordinator of Student Activities, Director of Bands, Director of

Student Publications and Printing, Director of Student Health Services, Director of Testing, Coordinator of S.E.A.L.S. Director of International Student Affairs, Advisor of KNSU and KNTV, Advisor for the Judicial Board, Greek Coordinator, Faculty who oversee the theater and music programs, Associate Director of Housing, Assistant Director of Student Union, Residence Hall Directors and Student Resident House parents, Coaches, and the Dean of Student Services. These reporters will ask questions concerning the offense, which the victim may choose to answer in as much or as little detail as she/he wishes. If the victim reports the offense to someone other than those persons listed, the person who receives the report is asked to notify Women's Resources and Services Office, who will record the details that the victim has chosen to report.

The principal purpose of the reporting process is to give the University the opportunity to prevent further occurrences, and to alert the Nicholls community if there is a danger present on campus. An anonymous sexual reporting form will be completed by all University Faculty and Staff members receiving a report of a sexual offense. The anonymous form will be forwarded to the coordinator of the Women's Resource and Service Office. Under federal law, the anonymous form will be forwarded to University Police. The report will contain only the information that the victim decides to provide. Of course, the more information provided by the victim, the better chance the community will have to prevent further occurrences.

University Judicial Process

The victim may choose to seek reparation from the attacker through the University Judicial Process. A charge of sexual offense against a University student (see information 1.7) will be handled under the normal University judicial process by the Student Judicial Officer. When a complainant gives information to the Student Judicial Officer that a sexual offense has taken place and accuses a University student of the offense, the Student Judicial Officer will have the discretion to suspend the accused student pending a hearing. When any necessary investigation is complete, the Student Judicial Officer will formally notify the accused student of the charges and will set a hearing date within ten class days.

Rights of Victims of a Sexual Offense in the University Judicial Process

- The victim will not be required to file criminal reports, contact parents/guardians and/or significant others, or attend counseling for reporting the offense
- The victim will have the right to be present whenever the accused student is present in the formal judicial process.
- The victim will have the right to be accompanied throughout the judicial process by the coordinator of the Women's Resources and Services Office or an advocate of their choosing
- The sexual reputation of the victim (including but not limited to the victim's past and/or present sexual activities/behavior and relationships) will neither be used as evidence nor discussed in the judicial procedure.
- The victim will have the right to be present when the announcement of guilt or innocence is made to the accused.
- The victim will have the right to make a formal Victim's Impact Statement (orally on the record or in writing) prior to consideration of any penalty being imposed if the person is found guilty.
- The victim will be notified in writing of any penalty imposed. This notification will be sent to the victim at the same time that the assailant is notified of the penalty.
- The victim will be notified of any appeals filed by the assailant.
- Throughout the appeal process, the victim will have the opportunity to present written information to the Dean in preparation for the appeal.
- The victim will be notified in writing of the results of any appeals. This notification will be sent to the victim at the same time that the assailant is notified.
- The victim will not be required to file criminal charges/reports, contact parents and/or guardians, or attend counseling if they report the sexual offense.

Rights of the Accused Sexual Offenders in the University Judicial Process

A student accused of sexual offense under this policy will have all the rights of due process, which are normally accorded to those accused under the University Judicial Process.

Penalties

The penalty for students found guilty of sexual offense under this policy may range from suspension to dismissal. Any student found guilty under this policy, in addition to other penalties imposed, must submit to the Dean of Student Life as a condition of re-entering the University, proof of successful completion of counseling by a licensed mental health professional.

SECTION TEN

Anti-Stalking Policy and Procedures

This policy applies equally to all members of the Nicholls community: students, faculty, administrators, staff, contract employees, and visitors. The purpose of this policy is to provide a learning atmosphere, which is free of harassment or interference.

The University is committed to providing an environment, in which visitors to and members of the campus community are provided with an atmosphere that enhances academic learning and considers the welfare of the community with the highest regard.

Stalking behavior will not be tolerated at Nicholls State University. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive learning and work environment. Incidents occurring on and/or off campus are subject to the University discipline process when such actions affect the learning environment or operations of the University.

Definitions:

- **Stalking:** A course of conduct directed at a specific person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include, but not limited to, the willful, malicious, or repeated uninvited presence of the perpetrator at another persons; home, workplace, school or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of a verbal or behaviorally implied threats to her or his safety, mental health, or physical health. Such behaviors and activities may include, but are not limited to, the following:
 - Repeated following or pursuing;
 - Threatening or obscene gestures
 - Non-consensual communication, including, but not limited to, face-to-face, telephone calls, voice messages, electronic mail, written letters, unwanted gifts, etc.;
 - Trespassing;
 - Vandalism;
 - Non-consensual touching;
 - These offenses may result in additional criminal charges.
- **Cyber stalking:** (also known as on-line harassment or electronic stalking) the persistent offensive, threatening communication through the Internet, via e-mail, chat rooms or instant messaging or through other electronic means.

Reporting Procedures

The University strongly encourages individuals to report suspected stalking situations to the appropriate law enforcement agencies and University officials. Reporting the stalking incidents is the most effective way action can be taken against the alleged stalker. Victims are encouraged to use the following procedures:

If you are a victim of stalking, you can contact the following offices on campus for assistance. Services that can be provided are development of safety plans, academic assistance, housing considerations, assistance with the university disciplinary process and referrals to on campus resources.

- a. Women's Resources and Services Office
- b. University Counseling Center
- c. University Health Services
- d. Student Life Office
- e. Judicial Affairs Office (when victim would like to seek reparation through the university disciplinary process)

University Judicial Process

The Nicholls State University Office of Judicial Affairs will investigate a charge against a University student. When a complainant gives information to the Student Judicial Officer about a stalking incident and accuses a University student of the offense, the Judicial Officer will have the discretion to impose appropriate temporary sanctions against the accused student pending a hearing. When any necessary investigation is complete, the Judicial Officer will notify the accused student of the charges and will handle the complaint through an administrative hearing or refer the case to the University Discipline Committee.

Penalties

The University will not tolerate stalking behavior. The penalty for students found guilty of a stalking offense under this policy may range from disciplinary probation to dismissal from the University as well as other sanctions deemed appropriate by the Judicial Officer or the University Discipline Committee.

SECTION ELEVEN

Anti-Hazing Policy

Introduction

Students at Nicholls are expected to be partners in the process of fulfilling the mission of the University by creating and maintaining standards within student groups, team and organizations that are conducive to personal growth and development. If student groups, teams, and organizations are to play an integral part in the University's plan, they must set standards that challenge each individual to achieve his or her greatest potential. Hazing is the antithesis of this goal, in that it attempts to tear down the feelings of individual pride and self-esteem of the individual, supposedly in order to create some esprit de corps in the group.

Definition

- **Hazing** is defined here as any activity sponsored by or any method of initiation into a group, team or organization which is likely to cause, or does cause mental or physical discomfort or embarrassment, or places any person into a demeaning or physically dangerous situation. Hazing in state colleges and universities is a violation of the law and is punishable by a fine or imprisonment, as well as by dismissal from the University. (La. R.S. 17:1801). It is also a violation of the Nicholls State University Code of Student Conduct Article 1.24.

Activities or actions which are coerced or required are explicitly prohibited include, but are not limited to, the following:

1. Any activity that might bring physical or psychological harm to an individual or animal.
2. Paddling, beating, slapping, branding, burning with a cigarette, or any such activity which is life threatening to the individual or are intended to hurt or to humiliate physically or mentally or otherwise permitting under graduate or alumni members to hit any person.
3. All forms of physical activity not part of an organized, voluntary athletic contest, or not specifically directed toward constructive work.
4. Requiring members to wear any degrading or uncomfortable garments.
5. Depriving members of the opportunity for sufficient sleep (8 hours per day minimum), decent and edible meals, or access to means of maintaining body cleanliness.
6. Activities that interfere in any way with an individual's academic efforts; e.g. - causing excessive fatigue, loss of sleep, or loss of reasonable study time.
7. Activities that interfere with an individual's employment or family obligations.
8. Requiring members to consume alcohol and/or drugs to provoke nausea or inebriation.
9. Forcing, coercing, or permitting students to eat or drink foreign or unusual substances such as raw meat, raw eggs, salt water, onions, etc. which is distasteful or designed to provoke nausea.
10. Having substances such as eggs, paint, honey, etc., thrown at, poured on, or otherwise applied to the body of any person.
11. Morally degrading or humiliating games or any other activities that makes an individual the object of amusement, ridicule, or intimidation.
12. Kidnaps, road trips, etc., which are conducted in a manner that endangers the health or safety of any person.
13. Subjecting an individual to cruel and unusual psychological conditions for any reason.
14. Any requirement which compels an individual to participate in any of the above named types of activities, or in any activity which is illegal, perverse, publicly indecent, contrary to the individual's genuine morals and/or beliefs, excessive fatigue, public profanity, indecent or lewd conduct, or sexual gestures in public.
15. The use of obscenities and vulgarities in dress, language, or action.
16. Any form of verbal harassment, any action or situation which subjugates an individual to a condition where he/she might tend to lose self-respect or suffer injury to personal or religious values.
17. Coercing a member to commit any action which is in violation of the University's Code of Student Conduct.

Enforcement

Violations of the Anti-Hazing Policy should be reported to the Student Life Office or University Police for appropriate disciplinary action. Infractions of these regulations will result in disciplinary procedures being initiated according to the regulations prescribed in the University's Code of Student Conduct. Violations of law will be handled in accordance with the criminal court system.

SECTION TWELVE

Policy Regarding Alcohol, Drugs, and Tobacco Products

Nicholls State University strives to create an environment, which promotes and reinforces healthy, responsible living, within the context of its educational mission. To this end, and because of the risks to the health and safety of the individual and community, the University is opposed to the use and abuse of alcohol and any other drug for any purpose other than legitimate use.

The University is committed to upholding all local, state and federal laws concerning use and abuse of alcohol and other drugs, and will support efforts in the campus community to confront violations of these laws.

The following principles will guide the University's policy regarding the use of alcohol and other drugs:

1. Students, faculty and staff are expected to take full responsibility for their own choices and behavior.
2. Abstinence is encouraged and respected in all circumstances.
3. Activities and functions without the consumption of alcohol are to be promoted.
4. The campus food service contractor is the licensed vendor for alcoholic beverages on the Nicholls campus. The serving and/or consumption of alcoholic beverages will not be allowed at events open to the public.
5. Heavy consumption of alcohol and use of all drugs are discouraged.
6. Assistance for alcohol and drug abusers is to be provided through education, counseling and referral. In conjunction with the Drug-Free Workplace Act of 1988, all employees are notified that the illegal use, possession, dispensation, distribution, manufacture and/or sale of controlled substances are prohibited when employees are on official state business or on call for duty, whether on or off the work site. Failure to comply with policy may result in disciplinary action up to and including termination. By law it is the responsibility of all employees to notify Nicholls State University within five days if they are convicted of violating any criminal drug statute at the workplace, while on official state business or will on call for duty.

On-Campus Confidential Contacts:

Counseling Center	448-4080	Student Health Services	493-2600
Student Services	448-4080	Human Resource Office.....	448-4041

All student groups and/or organizations serving or permitting alcoholic beverages at any campus event must use the designated University food service contractor, for cash bar services.

Events serving alcoholic beverages must be approved by the appropriate University offices and then ordered through the designated University food service contractor at least one week prior to the event. The following procedures should be followed:

- a. A Student Organization Activity Request Approval Form, stating that the group and/or organization is requesting cash bar services, must be completed, approved, and on file in the Student Life Office and the Student Union.
- b. The student organization must then reserve all University facilities through the Student Union.
- c. Once step a. and b. are completed, the student group must take a copy of the approved Facility Reservation and Activity Form, which will be issued and stamped by the Student Union, to the campus food service contractor who will process the order.
- d. At student events, in which alcoholic beverages are sold and/or consumed, University Police officer(s) are required to be on duty throughout the function. The Director of University Police shall determine the number of officers needed based on the projected estimate of attendance and other pertinent information. The cost of University Police labor will be paid by the student organization hosting the event.

Please note that all of the steps, a. through d. listed above must be completed at least one week prior to the event.

General Policies

- a. Any person who purchases or consumes alcoholic beverages shall be of legal age, 21 years old. Proof of age shall be required at the time of purchase, entry in to the event, or at any time of the event, including during consumption by authorized University or law enforcement officials.

- b. Students and their guests will be required to show age identification and will be “banded” as a visible means of identifying legal drinking age guests. All event participants are required to sign in as they enter the facility.
- c. There must be a University advisor or designated representative and a non-drinking organization officer who will assist with any problems that might arise during the event including discipline or assistance if a guest should be asked to leave.
- d. The serving and/or consumption of alcoholic beverages will not be allowed at any student organization event open to the public. An open event is an activity where participation and attendance is not limited to members, their immediate family, and individual dates/escorts.
- e. Student Organizations are responsible for paying bartender labor. The fee will be \$10 per hour per bartender, at all cash bar events. If bar sales exceed \$300, the bartender fee will be waived.
- f. No BYOB (Bring Your Own Bottle) events are allowed.
- g. Beverage containers may not be brought into the event nor may they be taken out of the event.
- h. Events in which alcoholic beverages are being served cannot be scheduled longer than four (4) hours in length. When the event is scheduled for more than two hours the cash bar will be closed the last hour of the event.
- i. Food, in sufficient quantity, must be available throughout the duration of the event. The food items must be more substantial than just chips and dip.
- j. When alcoholic beverages are being sold, provided, consumed, etc the designated University food service contractor will be the sole vendor and must provide all beverages, including non-alcoholic ones.
- k. The designated University food service contractor reserves the right to refuse service to anyone who appears to be intoxicated.
- l. The designated University food service contractor reserves the right to discontinue service in the event of inappropriate actions by members of the organization(s).
- m. The designated University food service contractor reserves the right to discontinue service if alcohol, other than the beverages provided the designated University food service contractor, are present.
- n. The designated University food service contractor reserves the right to discontinue service if the approved University advisor leaves or refuses to assist with violations of the University Policies.
- o. The designated University food service contractor will discontinue service if directed to do so by the Student Judicial Officer/Dean of Student Life or Director of Student Union (or other designated representatives).
- p. No unopened cans or containers of alcoholic beverage shall be sold. Beverages must be consumed in the room or area in which served.
- q. Clear tumblers will be used at all events in which alcohol is being served. Party or occasion cups will not be used at functions in which alcohol is being served without the appropriate approval and coordination with the designated University food service contractor.
- r. Participating organization(s) and/or individuals will be held responsible for any damages to University or the designated University food service contractor owned property by member(s) and/or guest(s) of the organization(s) during the time of the event, including set-up and clean-up.
- s. Forty-eight hours of notification is required to cancel an event or the organization risks being charged for supplies that cannot be returned.

Please Note: Students are encouraged to follow these suggestions:

- If alcohol is being served, drink in a responsible manner and in moderation.
- Offer a designated driver program at all events in which alcoholic beverages are being served
- Always designate non-drinking officers/members to handle situations or make decisions throughout the event.

Smoking and the Use of Tobacco Products Policy

Concern for indoor air quality is a trend-taking place across the nation. In 1989, the Surgeon General renewed a health education campaign against smoking, and Congress passed legislation restricting smoking on domestic airline flights and began consideration of a bill that further limits advertising for smoking products.

Studies have revealed that nonsmokers who breathe secondhand smoke face similar health risks as smokers. As a result, a significant number of corporations and academic institutions now require a completely smoke-free environment.

Nicholls State University has a vested interest in creating a healthful and productive atmosphere for its faculty, staff, and students. Providing a generally smoke-free environment is a step in establishing activities that promote a long and health life.

The use of *Tobacco Products* is prohibited in and within 25 feet of university buildings and on university sidewalks.

SECTION THIRTEEN

Policy Regarding Weapons on Campus

Carrying a firearm or dangerous weapon on University property or at a University sponsored or affiliated function is prohibited by Louisiana law and University policy. Persons violating this policy are subject to criminal prosecution and University discipline action. Members of the University community (students, faculty, and staff) who violate this policy may be temporarily suspended from employment or enrollment pending administrative disposition of the matter.

SECTION FOURTEEN

Policy Statement Regarding Disruptive Conduct and Safety of Persons Attending Nicholls Athletic Events

Nicholls State University Athletic events provide a means for the University to meet its student development and community service mission. Many university events, including Athletic Department events, permit the admission of only those individuals with appropriate credentials such as tickets, passes or specific identification cards. One purpose for requiring credentials for admission is to assist the University in protecting the safety of those participating in and attending events as well as the privileges granted to and expected by those attending the events. Persons attending an event expect to be able to view the event without interference, disruption, or threat to safety, which includes any activities/action which create or may lead to an atmosphere of danger, violence, hostility or harassment.

To enable the University to sponsor programs and activities necessary to meet its mission and to protect the safety and privileges of those attending athletic events, the following policy will apply.

1. Items that are likely to block the view of persons attending games, disrupt the event, interfere with regular activities of the event, or create an atmosphere of danger, violence, hostility will not be permitted at any athletic event.
2. Banners and signs relating to the event may be hung only in those areas designated for sign hanging. Signs may be put up only during the time period established by the University. The size of the sign will be limited to enable other groups and individuals to hang signs. Commercial signs, signs which advertise other events and signs which advertise alcohol or other substances which thwart the aims and purposes of the institution are not permitted in these areas.
3. Student organizations will be permitted to display official organization letters/flags in the area

designated for such display. Letter/flags may only be put up during the time period designated by the University.

Nicholls State University Athletic Events and Pre-Game Activities

- a. Pre-Game activities (including tailgate activities) will be limited to the university designated areas.
- b. Consumption of alcohol at any such activity will be limited to persons of legal age (21+). All consumption will be limited to the designated activity area. Kegs and other common containers are prohibited. All glass containers (bottles, cups, pitchers, etc.) are prohibited. Walking around with beer cans or hard liquor bottles are prohibited. Whatever is consumed must be poured into a paper or plastic cup. Drinking games, funneling or any other activity judged by University staff as inappropriate is prohibited.
- c. Each group and individual will be directed to maintain the grounds area they are using. Adequate garbage cans and garbage bags will be provided. Individuals or groups not maintaining the grounds will be asked to do so. Failure to comply with requests made by staff will result in eviction from the campus grounds for the remainder of the calendar day and appropriate follow-up actions will be taken. If individuals who are not of legal drinking age (21+) are found to be in possession of alcohol, they will be directed to empty the drink/alcohol on the grass area and to place the container and or cup in the nearest garbage container. Refusal to do so will result in eviction from the campus grounds, with appropriate University discipline action to be taken by the University, and the person will also be issued a summons by University Police or Administrator. If an individual refuses to present identification or refuses to follow the directions of University staff, he/she will be issued an appropriate summons and referred to the Office of Student Life for appropriate follow-up discipline action to be taken by the University.
- d. The Student Programming Association may provide a band or D.J. for each home game. Outside bands or sound systems are not permitted without prior approval by the Office of Student Life. The SPA, as has been the practice for several years, may provide free food and non-alcoholic beverages for the students in the pre-game activity area.
- e. Nicholls students must present their (Colonel Card) student identification card to gain admission to the activity and/or sporting event.
- f. All persons entering the stadium and/or gym are subject to reasonable check for violations of University policies, including the search of person (and property in possession), including the opening of personal belt bags, purses, etc. Anyone found in possession of alcoholic beverages, weapons, and other items deemed dangerous or inappropriate by the University will be refused admission to the game. Any person found in possession of said items inside the event will be evicted for the remainder of the calendar day and appropriate follow-up actions will be taken.
- g. Cups, containers, ice chests, etc may not be brought into the event. Food and/or beverage of any kind may not be brought into the stadium, sports facilities and/or gym. Once inside, any person found in possession of said items brought in from outside will be evicted and may not reenter for the remainder of the calendar day in which the event is held.
- h. Individuals or groups engaging in inappropriate or disruptive behavior will be directed by Student Life staff and/or University Police to cease and desist from doing so. Any individuals or groups engaging in repeated inappropriate or disruptive behavior will be evicted from the campus grounds. Appropriate follow-up action will be taken.
- i. Persons attending the event and who leave will not be permitted to reenter. Consideration will be given to address legitimate cases where it may be necessary to permit reentry for someone who has left the event.

SECTION FIFTEEN

Parking

Introduction

Nicholls State University Parking Regulations permit a student to appeal any University parking violation which the student feels was issued for an unjust reason.

The appeal must be filed in writing on a special appeal form obtainable from the office of Parking Services.

1. The following regulations apply to the appeal request:
2. The appeal must be submitted within (15) fifteen days of the alleged violation or violations.
3. The appeal will be reviewed by a hearing officer. Students may appeal the decision of the hearing officer to the Parking Appeals Committee.
4. The student must appear before the Parking Appeals Committee upon notification by the Chair. Student has the right to have the SGA Director of Student Rights and Grievances represent him/her if unable to attend. Time, date and location will be supplied prior to the hearing.
5. The student appealing has the right to present witnesses and/or affidavits in support of his/her appeal. The University reserves the same right.
6. Failure to appear on the assigned day of the hearing without prior notification to the Committee Chair will result in dismissal of the appeal.

NOTIFICATION OF RIGHTS UNDER F. E. R. P. A.

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights include:

- (1) The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.
A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The University official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
- (2) The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
A student who wishes to ask the University to amend a record should write the University official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.
If the University decides not to amend the record as requested, the University will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
- (3) The right to provide written consent before the University discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.
The University discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted as its agent to provide a service instead of using University employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the University.
[Optional] Upon request, the University also discloses education records without consent to officials of another school in which a student seeks or intends to enroll. [NOTE TO UNIVERSITY: FERPA requires an institution to make a reasonable attempt to notify each student of these disclosures unless the institution states in its annual notification that it intends to forward records on request.]
- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901

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