

NICHOLLS STATE UNIVERSITY

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

Nicholls State University is an educational institution dedicated to fostering intellectual achievement personal development, social responsibility, and is committed to the human dignity and worth of every person. 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.

Acceptance of admission to the Nicholls carries with it an obligation for the welfare of the community. As such, Nicholls expects the highest standard of personal conduct from its students. The Division of Student Affairs is committed to providing a student-centered, values rich, co-curricular education. Dignity, excellence, wholeness, inclusiveness, and compassion are key values conducive to the pursuit of knowledge and to personal development.

Nicholls State University fully supports and fosters a policy of non-discrimination on the basis of age, color, disability, gender, national origin, race, religion, sexual orientation, and veteran's status, or any other status or classification prohibited by federal, state, or local law.

It is the intention of these Standards to clarify behaviors essential to the University's educational mission and community life. These Standards are applicable to all students. It is equally applicable to recognized student organizations.

By accepting admission to Nicholls State University, a student accepts Nicholls' rules and acknowledges the right of the University to take action, up to and including suspension or dismissal.

TABLE OF CONTENTS

Inside Front Cover – Introduction

1. Values
2. Strategic Plan
3. Institutional Authority
4. Application
5. Conduct Office
6. Threat Assessment
7. Knowledge and Standards
8. Amnesty
9. Notification of Parents
10. Student Rights
11. Administration of Conduct Procedures
 - 11.1. Administrative Responsibility
 - 11.2. Initiation of Conduct Proceedings
 - 11.3. Summoning a Student
 - 11.4. Disposition of Violations
 - 11.4.1. Administrative
 - 11.4.2. Discipline Committee
 - 11.5. Investigation Timelines
 - 11.6. Time Limits
 - 11.7. Findings of Responsibility
 - 11.8. Fairness
 - 11.9. Due Process
 - 11.10. Burden and Standard of Proof
 - 11.11. Withdrawal
 - 11.11.1. Voluntary Medical
 - 11.11.2. Involuntary Medical
 - 11.11.3. Medical Re-enrollment
 - 11.11.4. Interim Action and Appeal
 - 11.12.
12. Sanctionable Misconduct
13. Possible Sanctions
14. Academic Integrity
 - 14.1. Definitions
 - 14.2. Defying Academic Integrity
 - 14.3. Student Academic Grievances
 - 14.3.1. Informal Procedures
 - 14.3.2. Formal Procedures
 - 14.4. Committees
 - 14.4.1. Academic Grievance Committee
 - 14.4.1.1. Composition

- 14.4.1.2. Duties
 - 14.4.1.3. Hearing Procedures
 - 14.4.1.4. Appeal Procedures
 - 14.5. Academic Affairs Integrity Committee
 - 14.5.1.1. Purpose
 - 14.5.1.2. Membership
 - 14.5.1.3. Process
 - 14.5.1.4. Appeal Procedures
 - 14.6. Procedure for Notifying Academically Suspended Students
 - 14.7. Academic Policies and Standards Committee
- 15. Procedures
 - 15.1. Sexual Assault/Stalking/Relationship Violence/Sexual Harassment
 - 15.2. Tobacco Free Campus
 - 15.3. Policy on Public Speech, Assembly and Demonstrations
- 16. Standards
 - 16.1. Activities and Events
 - 16.2. Alcohol
 - 16.3. Hazing
 - 16.4. Poster/Announcements/Bulletin Boards
- 17. Important Web Addresses
- 18. Protection of Student Records (FERPA)
- 19. Forms
 - 19.1. Sexual Offense Incident Report
 - 19.2. Hazing Report Forms For Institutions
 - 19.3. Hazing Report Form For Organizations
 - 19.4. Student Academic Grievance Form
 - 19.5. Reporting Form for Academic Dishonesty to Academic Affairs Integrity File
 - 19.6. Academic Dishonesty/Disruption Report
- Inside Back Cover – Important Contact Information

Values

Nicholls State University supports values that promote citizenship, concern for self and others, and the desire for a better world by embracing as its core values:

Civic Responsibility: We use our time and talents to serve our community

Diversity: We embrace unique perspectives that all individuals bring to the learning environment.

Excellence: We reach for the highest level of achievement in all activities.

Integrity: We expect fairness and truthfulness in all instances.

Leadership: As representatives of the university, we embrace our role as leaders.

Respectfulness: We respect the rights of others and are responsive to the needs of others.

Responsibility: We are accountable for our actions.

FOCUS AREAS

Strategic Focus 1: Student Success and Educational Attainment

Education should improve the quality of a person's life, by expanding their possibilities and giving them the tools to succeed professionally and personally.

Educational attainment refers to the highest level of education an individual has completed. Research shows that a higher level of educational attainment has many benefits to society, the economy and the individual's quality of life. Nicholls State University is committed to providing a quality education to its diverse student populations to prepare them to adapt to the changing needs of industry and to be engaged, productive citizens.

Nicholls is also committed to increasing the number of students served by the institution, especially reaching out to more non-traditional populations. Increasing the success rates among all populations of students will be achieved through support programs to provide everyone the best possible learning experience. Nicholls strives to give all of its students a sense of belonging and a foundation to achieve their goals and serve the needs of the region.

The goals below are focused on improving the level of educational attainment at Nicholls:

1.1 Grow enrollment in all populations

- 1.2 Improve student success
- 1.3 Provide high-quality academic programs that meet the needs of the student and the region
- 1.4 Maintain high student satisfaction

Strategic Focus 2: Economic Development through Workforce Development and Applicable Research

Economic development is the process by which a region improves the socioeconomic well-being of its people.

Nicholls is focused on providing programs that meet the needs of the region and prepares students to be competitive in the global job market. Nicholls works closely with regional businesses to provide a workforce that is ready to meet the industry's current needs and to adapt to a changing world.

Nicholls will support research and scholarly activities that increase knowledge in academic disciplines that benefit the region.

- 2.1 Enhance external relationships
- 2.2 Maintain high alumni satisfaction and engagement
- 2.3 Produce quality graduates to fill workforce needs and be engaged citizens
- 2.4 Promote achievements of the university
- 2.5 Support a climate of research and scholarly activity

Strategic Focus 3: Stewardship of Resources

Nicholls State University strives to be a good steward of its resources. Its greatest resource is people, therefore retaining high quality faculty and staff through the creation of an environment of support and a sense of belonging in the institution will be a focus. Nicholls is aware of the cost of higher education and is committed to remaining affordable while also supporting students financially.

Financial resources are also critical to the operation of the university. Making sound financial decisions and improving processes are essential. Optimizing facilities to better serve students and providing more resources for faculty are keys to being good stewards.

- 3.1 Grow financial resources
- 3.2 continuously improve workflow
- 3.3 Maintain highly qualified faculty and staff
- 3.4 Develop facilities that support student success and economic development

INSTITUTIONAL AUTHORITY

The authority over student behavior involving individuals, groups, and/or organizations rests with the Board of Supervisors for the University of Louisiana System and is delegated by them to the President of the University. The President delegates authority in matters of non-academic student conduct to the Vice President for Student Affairs and the Dean of Students to establish and hold student conduct proceedings that will ensure the proper administration of the University's rules and regulations. The Vice President of Student Affairs and Dean of Students, along with the Director of Conduct and Accountability, shall oversee the operation of the student conduct system and administration of the Standards of Conduct. The Dean of Students and the Director of Conduct and Accountability have the right to consider all alleged violations of the Standards and determine if a student, group, or student organization should be sanctioned for the violation(s). The Director of Conduct and Accountability shall determine the appropriate course of action for all alleged violations. In exceptional circumstances and in the Vice President of Student Affairs's discretion, the Vice President of Student Affairs may modify procedures outlined under these Standards of Conduct.

In addition, Nicholls State University expressly reserves the right to revise, supplement or withdraw any policy or portion of a policy from time to time, as it deems necessary.

APPLICATION

Nicholls State University has jurisdiction over violations of the Standards of Conduct at all 1. University sponsored events (on or off), 2. Where students are enrolled in a Nicholls program offering academic credit or, 3. Elsewhere when the University has an identifiable interest. The Vice President of Student Affairs or designated representative has sole discretion to determine the jurisdiction, parameters, and/or if the behavior affects a substantial University interest. The University also retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated for any misconduct that occurred prior to the leave, withdrawal or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll and/or obtain official transcripts and all sanctions must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the University may invoke these procedures should the former student be found responsible.

The Standards of Conduct and its process apply to the conduct of individual students, (undergraduate, graduate, online) and all University affiliated and or sponsored student organizations. For the purposes of student conduct, the University considers an individual to be a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University. These Standards may also be applied to resident non-students, campers and high school bridge/extension/partner/dual-credit and continuing education programs by contractual agreements. Visitors to and guests of the University may seek resolution of violations of the Standards committed against them by students. Matters involving the problematic behavior of a guest may be managed through University police. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere. These postings can subject

a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly search for this information but may take action if and when such information is brought to the attention of University officials. Additionally, while most online speech by students not involving University networks or technology will be protected as free expression, with two notable exceptions:

- A true threat, defined as “a threat a reasonable person would interpret as a serious expression of intent to inflict bodily harm upon specific individuals”;
- Speech posted online about Nicholls State University or its community members that causes a significant disruption.

CONDUCT OFFICE

The Conduct and Accountability Office manages all non-academic misconduct allegations for the undergraduate and graduate community at Nicholls State University. The focus of the inquiry in judicial proceedings shall be to determine if the individual, group, or organization is “responsible” or “not responsible” for violation of the Standards of Conduct. The student conduct process is fundamentally different from criminal and civil court procedures. The judicial process at Nicholls grants a student the opportunity to learn. In doing so, students should hopefully gain a better understanding of their personal development. The Director of Conduct and Accountability is primarily responsible for day to day implementation of the Student Conduct Program. The Academic Dean is responsible for handling issues that relate to violations of Academic Cheating or Plagiarism or disruptive behavior related to classroom or academic activity.

THREAT ASSESSMENT

The University may take action other than by regular published procedures in any case where conduct or a condition exists which could endanger the health or safety of any individual or which has or may cause disruption of the University Community

KNOWLEDGE OF STANDARDS

Students are provided a copy of the Standards of Conduct in the form of the following link on the University’s website: <https://www.nicholls.edu/sja/student-conduct-handbook/>. Students are responsible for knowing and complying with the Standards of Conduct, and any special instructions and directives announced by the Vice President of Student Affairs, Dean of Students, or designee. Ignorance is not an acceptable justification for committing violations of the Standards, special instructions, or directives. Lack of intent or awareness of the Standards or other University policies will not be accepted as excuses for violations and will generally receive the same consequences as deliberate violations.

AMNESTY

Nicholls State University strongly encourages victims and individuals to report all Standards of Conduct violations, sex discrimination, and violence in general (including sexual violence) and medical emergencies. It is possible that many victims may be hesitant when it comes to reporting conduct that he/she believes violates the Standards of Conduct because of fear that

they personally may be accused of violating policies or sections of the Standards in connection with the incident they are reporting. Underage drinking is a common example of conduct that may have occurred during such an incident. Because of the importance of reporting serious incidents, and in order to encourage reporting, Nicholls will not normally charge a victim who reports a violation of the Standards, even though the victim may have participated in a non-violent violation of the Standards (e.g., unauthorized use of alcohol). Nicholls may also elect to extend amnesty to students who report medical emergencies that may have occurred during an incident involving a potential violation. In such cases, however, Nicholls may exercise its discretion to impose educational sanctions as a required activity intended to engage the student in a positive learning experience related to the student's inappropriate behavior.

NOTIFICATION OF PARENTS

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Nicholls State University reserves the right to notify parents/guardians of dependent students regarding any conduct situation. Where a student is not a dependent, Nicholls may contact parents/guardians to inform them of situations in which there is a health and/or safety risk, any conduct violation relating to alcohol and drug policy violations, and when a student is removed from the University.

Student Rights (Victim and Student Defendant)

- 1. The student defendant and victim shall be informed of the due process rights as outlined below.*
- 2. The student defendant and the victim have the right to a closed hearing. The University may, but is not required to, open the hearing if requested by the student defendant and the victim.*
- 3. 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.*
- 4. The student defendant and the Director of Conduct and Accountability have the right to challenge members of the hearing committee;*
- 5. The student defendant has the right to know what documentary evidence will be offered against him/her;*
- 6. The student defendant has the right to know the identity of each witness who will testify;*
- 7. The student defendant and the Director of Conduct and Accountability have the right to summon;*
- 8. The student defendant and the Director of Conduct and Accountability have the right to offer evidence;*
- 9. The student defendant has the right to argue on behalf of self;*
- 10. The Director of Conduct and Accountability, student defendant, and Committee members have the right to cross-examine each witness who will testify. The victim may offer questions through the Director of Conduct and Accountability. Director of Conduct and Accountability may or may not use the questions;*
- 11. The Director of Conduct and Accountability, the student defendant and victim will be informed of the outcome of the hearing.*

12. *Victims of cases involving violence and/or sexual offenses will be informed of the outcome of the hearing and subsequent appeals.*

13. *The student defendant has the right to appeal the decision of guilt or any sanction resulting there from.*

Administration of Conduct Procedures

The student conduct process is regarded as an essential and constructive element of the educational process. Emphasis is placed on students' acceptance of personal responsibility to uphold and safeguard community standards. Sanctions are intended to challenge students' moral and ethical decision-making and to help bring behavior into accord with community expectations, responsible citizenship and personal success

Administrative Responsibility

1. The Vice President for Student Affairs is responsible for administration of the Standards of Conduct.
2. The Director of Conduct and Accountability is primarily responsible for day to day implementation of the Student Conduct Program. The Dean of Students will serve in the absence of the Director of Conduct and Accountability.
3. The Academic Dean is responsible for handling issues that relate to violations of Academic Integrity or disruptive behavior related to classroom or academic activity.
4. The Standards of 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 faculty and staff regarding the enforcement of University policies and procedures and the administering of programs and services. Faculty and staff who teach classes or have been assigned administrative responsibilities may administratively resolve of minor violations of the Standards of Conduct as detailed in these Standards or in class, departmental or program publications, or may file a formal charge with the Academic Dean (cheating or plagiarism or disruptive behavior related to a classroom or academic activity) or the Director of Conduct and Accountability.
5. In cases of severe or repeated disruption of class/lab activities or academic cheating or plagiarism, the instructor may invoke a maximum sanction of immediate expulsion from the course with a failing grade or may file a charge as noted above. If the student wishes to pursue the matter further, he/she must follow the procedures detailed in the Student Academic Grievances section or the Appeal Procedures section.

Initiation of Conduct Proceedings

When the Director of Conduct and Accountability receives information alleging that a student has violated the Standards of Conduct, the Director shall investigate the alleged violation.

Violations of the Standards of Conduct must be reported within six months of the discovery of the alleged violation.

1. After completing a preliminary investigation, the Director may:
 - 1.1. Dismiss the allegation as unfounded; or
 - 1.1.1. Summon the student for a conference, after conferring with the student, dismiss the allegation; or
 - 1.1.2. proceed administratively if it is determined that the alleged violation is of a nature requiring discipline action;
 - 1.2. If the violation warrant suspension or dismissal, prepare a written charge and proceed to notify the student of his or her due process.
 - 1.3. If the alleged violation is not a discipline matter but needs attention, the Director will refer the matter to the proper University department or official.

Summoning a Student

1. The Director of Conduct and Accountability 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 summons. The summons shall direct the student to appear at a specified date, time and place.
2. If the student fails to comply with the summons, discipline charges may be filed against the student. The student who fails, without good cause, to comply with a summons or letter of notice issued may be placed on disciplinary probation, temporarily suspended or barred against readmission.

Administrative Disposition of Violations

1. The Director of Conduct and Accountability, at the completion of an administrative hearing, may administratively dispose of a violation.
2. If this course of action is pursued, the Director of Conduct and Accountability will issue a Letter of Notification to the student. The Letter of Notification will state the findings and discipline sanctions imposed, if applicable. The letter will also inform the student that he/she has the right to appeal, that is, request a hearing by the Discipline Committee on the charges and/or discipline sanctions imposed. However, the terms of the discipline sanctions imposed will remain in effect.
3. The Director 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.
4. In administratively disposing of a violation, sanctions may be imposed by the Director of Conduct and Accountability, Administrative Staff, Instructor or Academic Dean. Any appeal of the sanctions must follow the appropriate appeal procedures.
5. The Director of Conduct and Accountability and academic dean may enter into an agreement with any student to impose sanctions for a period not greater than two years. Any appeal of the agreement must follow the appropriate appeal procedures.
6. 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 crimes of violence the student defendant and the victim will be notified of the outcome of the administrative disposition of the matter and subsequent appeals.

DISCIPLINE COMMITTEE

The Discipline Committee is responsible for hearing unresolved cases involving violations of the Standards of Conduct (other than academic cheating or plagiarism and disruptive behavior related to a classroom or academic activity) and appeals filed by students as a result of discipline actions taken administratively.

The Discipline Committee consists of one faculty member from each Academic College appointed by the Vice President for Student Affairs, two representatives from Student Affairs appointed by the Vice President for Student Affairs, and seven student members of the Student Government Association Student Supreme Court. The Committee elects the Chair. The Committee will also elect a Vice-Chair, who shall conduct the meeting in the absence of the Chair. In the absence of the chair and vice-chair, the longest serving member of the committee attending the hearing shall act as chair.

A quorum consists of five members of the committee, of which two must be student members and two must be faculty members. The Committee, at the request of the student defendant, may waive this quorum requirement.

Hearing Procedures

1. 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. The hearing is closed. Upon request of the student defendant, the Committee may, 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.
3. The following persons may attend: members of the Committee, the Student Judicial Officer and appropriate staff; the student defendant and an attorney, advisor, or friend; the victim/complainant 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.
4. The hearing may proceed if a student defendant fails without good cause to comply with a letter of notice. Failure to appear at the hearing may result in the right of the student to appeal the Committee's decision.
5. The committee shall proceed generally as follows during the hearing:
 - a. The Chair calls the meeting to order.
 - b. The Director of Conduct and Accountability reads the complaint.

- c. The Chair informs the student of his/her rights.
- d. The student enters a plea of guilty or not guilty. If guilty proceed "m".
- e. The Director of Conduct and Accountability or other appointed staff member presents the evidence regarding the complaint.
- f. 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.
- g. The Director of Conduct and Accountability, defendant and Committee members will have an opportunity to question all witnesses. The victim may suggest questions for the Director of Conduct and Accountability to ask.
- h. The Director of Conduct and Accountability and the student defendant may present rebuttal evidence and argument.
- i. Summations will be presented in the following order: student defendant and the Director of Conduct and Accountability.
- j. 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.
- k. 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.
- l. 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.
- m. If the student pleads guilty or the committee finds the student defendant guilty, the Director of Conduct and Accountability, victim, and the student defendant may present evidence and argument on an appropriate penalty.
- n. The committee then deliberates in private and determines appropriate sanctions 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 sanctions are determined.
- o. In the hearing room, the Committee Chair announces the Committee's recommendations 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.
- p. 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.

Investigation Timelines

The University will make every effort to complete its investigations within 60 calendar days, although this timeframe may be extended for good cause. Good cause may exist for a variety of factors, including but not limited to the complexity of the circumstances of each allegation, the integrity and completeness of the investigation, to comply with a request by law enforcement, to accommodate the availability of witnesses, to account for University breaks or vacations, or to address other legitimate reasons. In the event a time frame is extended, both the complainant and the respondent will be notified of any delay and the anticipated length of the delay.

Time Limits

In the absence of a good cause, the complainant must file a complaint within six months of the alleged incident; except in cases of sexual misconduct and sexual assault, stalking, dating and relationship violence which can be filed at any time.

Findings of Responsibility

The focus of the inquiry in conduct proceedings shall be to determine if the individual, group, or organization is “responsible” or “not responsible” for violation of the Standards of Conduct. The student conduct process is fundamentally different from criminal and civil court procedures.

Fairness

Student conduct proceedings are conducted with fairness but do not include the same protections afforded by courts. Specifically, Nicholls State agrees to provide all of those accused of violating these Standards of Conduct with written notice of the provision of the Standards they are accused of violating, a right to provide their version of events, and the right to appeal as described within these procedures. Deviation from the prescribed procedures below does not necessarily invalidate a decision or proceeding.

Due Process

The process that is due: Preponderance of evidence (the greater weight of the evidence favors either the finding of a student responsible or not responsible) as the standard of proof.

Substantive due process relates to the content of a violation, while **procedural due process** relates to how the violations are implemented and enforced.

Burden and Standard of Proof

At all stages in the process, the investigator and/or persons hearing any appeal will investigate and make findings on the merits of an alleged violation using a preponderance of the evidence standard. Preponderance of the evidence means that the greater weight of the evidence favors either the finding of a violation or the finding of a non-violation. This standard is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence presented. In other words, the evidence (which consists of the full totality of the

circumstances) must establish that it was more likely than not that the student committed the alleged violation.

Withdrawal

Voluntary Medical Withdrawal from the University

If a student is unable to complete the coursework or other course of study for a semester due to medical and/or mental health reasons, the student may request a medical withdrawal from the University. Medical withdrawal requests must be supported by appropriate documentation from a licensed care provider, submitted to the director for counseling and health services and approved by Vice President of Student Affairs. Any student receiving a medical withdrawal during the term may be required to remain out of class the succeeding term. This decision will be based on seriousness of illness and time of withdrawal. The institutional refund policy applies. Medical withdrawals must be made within the term being requested (during illness).

Involuntary Medical Withdrawal from the University

Invoked by the Dean of Students when a student is unable or unwilling to request a voluntary medical withdrawal and such a leave may be necessary because the student's behavior severely disrupts and/or threatens the university's learning environment. Before an involuntary medical withdrawal is considered, efforts will be made to encourage the student to take a voluntary medical withdrawal. The Dean may require a forensic evaluation to facilitate an informed decision.

Medical Withdrawal Re-enrollment

To re-enroll at the University following a medical withdrawal, a student must contact the University Counseling Center to schedule an appointment with the Director for Counseling and Health Services. The student must secure a letter from the primary treatment provider that includes dates of treatment, treatment progress, treatment plan, and a recommendation to resume coursework and/or residential living at the University. Once the student has been cleared by both the primary medical provider and the Director for Counseling and Health Services, then the student will be cleared to register for courses. If a student has other registration accounts holds, then those must be cleared with the respective departments in order for registration to occur.

Interim Action and Appeals

Pending the resolution of a conduct proceeding, the Vice President of Student Affairs or designated representative has sole discretion and final authority to take interim action, without prior notice, for reasons relating to the safety or welfare of students, faculty or staff; the protection of University property; the maintenance of public order; the preservation of the University's reputation; and the effective continuation of University operations and the educational process. Interim action may include, but is not limited to, suspension; restrictions on University privileges, access, and activities; removal from or relocation within courses; or

removal from or relocation within University housing. The Vice President of Student Affairs or designated representative also may make an administrative referral to the University Counseling Center whenever a student's alleged actions may constitute a danger or hazard to the University community or a threat to self or others. Interim actions are not a finding that the charged student or group violated the Standards of Conduct. The Vice President of Student Affairs or designee has sole discretion and final authority to modify or confirm the interim suspension.

SANCTIONABLE MISCONDUCT

The following are examples of misconduct prohibited; they are not intended to define misconduct in exhaustive or exclusive terms and should be construed broadly according to the fair import of their terms. The following actions or any actions that violate the University Standards of Conduct will result in being sanctioned by the University and in appropriate cases, referral to University or other law enforcement personnel, and/or other University officials, for investigation. Violation of any of the Standards of Conduct may, depending on the facts of the case and the student or group's conduct history, result in sanctions including suspension or expulsion.

The Conduct Office addresses violations that occur on-campus, off-campus (when the University has an identifiable interest or the violation affect the University process), and online. While the Conduct Office does not regularly monitor social media sites, receipt of a report indicating behavior that is documented or occurring online will be reasonably investigated.

1. **Abusive conduct** - Abusive conduct includes any actions against one's self or others that causes physical injury, intimidates, harasses, threatens or otherwise unreasonably interferes with another person. Including but not limited to 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.
2. **Academic Dishonesty** - any action or effort by a student to use illegal, deceitful, or unacceptable means in any academic work or setting. Examples include but are not limited to falsifying data, information or citations, providing false excuses or information to an instructor concerning an academic exercise, bribery, sabotage, or willfully disrupting or disturbing the academic progress of others, cheating and plagiarism.
3. **Administrative instructions** - A student of the Nicholls community is expected to comply with the oral and written instructions of University Officials and Emergency Personnel. Compliance would include providing clear and factual information concerning the situation and cooperating in a polite and respectful manner.

4. **Alcohol (unauthorized use and/or abuse)** - Nicholls State 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 University is also committed to maintaining a safe, healthful environment that supports its educational mission. The abuse of alcoholic beverages by its students, faculty, staff and their guests interferes with the accomplishment of this mission.
5. **Arrest, conviction of violation of federal, state, or local laws** - The University expects that a student will comply with all federal, state, local laws, and University Policy.
6. **Behavior on other campuses** - A student is responsible for abiding by the policies set forth by other campuses when visiting as a guest. A student that violates host campus regulations while present as a student visitor or guest may be referred to the Office of Conduct at Nicholls for a hearing on the alleged violations, and/or referred to University Police at the discretion of the responsible parties on the host campus.
7. **Cheating** - 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.
8. **Colonel cards (unauthorized use and/or abuse)** - As part of registration, each student is responsible for securing a student identification card, known as the Colonel Card, which shall remain in his or her possession at all times. A student who withdraws or is withdrawn from the University shall surrender the identification card to the appropriate University official. A student shall, upon demand, surrender their identification card to the appropriate University authority. The individual requesting the surrender of the Colonel Card must properly identify themselves. Refusal to surrender an identification card is cause for disciplinary action.
9. **Computer and internet use** - Students must adhere to Wireless Network Policy, and Responsible Use Policy as published by Information Technology. A student is responsible for his/her actions and behaviors while accessing the Nicholls State University Internet technology network. A student may not have access or use the University's administrative computer system except in the performance of their assigned duties as a student employee. The State of Louisiana has enacted a number of laws construing inappropriate or unauthorized use of computers as criminal behavior. A student may also face University charges that may include suspension. For more information see La. R.S. 14.73.7. Destruction, modification, use, copying, or accessing data or programs

stored in or with a computer without authorization may result in up to five years of imprisonment, a \$10,000 fine, or both. For more information see [La. R.S. 14.73.7](#).

10. **Conduct Unbecoming** - Responsible individual behavior is a basic expectation. Such behavior must stem from a recognition of and basic concern and respect for dignity, rights, and sensibilities of others. Therefore any social behavior which might offend these rights, sensibilities, and dignity is clearly inappropriate and may warrant an investigation.
11. **Dating Violence:** Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged complainant. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.
12. **Dishonesty** - A student is prohibited from being dishonest in such a way that includes but not limited to malfeasance in or misuse of elective or appointive office in a student organization or as a student employee, cheating, plagiarism, knowingly furnishing false information to the University, its officials or duly constituted committees, forgery, and the alteration or use of institutional documents or identification with the intent to defraud. Also Academic Integrity section.
13. **Disorderly Conduct** - Disorderly conduct includes but not limited obstruction or disruption of teaching, research or administrative activities, discipline procedures, any behavior that adversely affects the educational processes of the University or the performance of duties by University personnel and/or any behavior that unreasonably disturbs the peace and/or comfort of a person or persons.
14. **Disruptive Behavior** - Disruptive behavior includes but not limited to any action or effort by a student to disrupt or disturb the academic progress of other individuals within the academic setting or a setting related to academic activities. See also Academic Integrity.
15. **Domestic abuse:** Includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. La. RS 46:2132(3)
16. **Domestic Violence:** Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a current or former spouse or intimate partner or any other person from whom the Alleged Complainant is protected under federal or Louisiana law. Felony or misdemeanor crime of violence committed:
 - a. By a current or former spouse or intimate partner of the complainant;

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

17. **Drugs and controlled substances** - Nicholls State University drug policy adheres to the federal, state, and municipal laws regarding the consumption, distribution, possession, sale, or intent to sale of illegal drugs and/or other controlled substances. The use of illegal drugs and controlled substances is a violation of federal, state, and municipal laws and the *Standards of Conduct*. Nicholls cannot and will not protect students from prosecution under federal, state, and municipal laws. The University reserves the right to periodically conduct unannounced canine drug searches in on-campus spaces, including residence hall rooms, to identify the presence of illicit drugs in order to encourage a drug-free living environment. The following rules shall be enforced with respect to student conduct regardless of the status of violation in any courts:

- a. Possession of drug paraphernalia as commonly defined (pipes, bongs, etc.) is prohibited. Drug paraphernalia as it applies in this section means any equipment, product, or material of any kind that is used in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.
- b. The distribution or merchandising of illegal drugs and/or controlled substances is prohibited and may result in dismissal and/or arrest.

18. **Falsification of university records** - A student is required and expected to complete accurately and honestly all University records. If a student falsifies a record and it is discovered between the time of his or her application for admission and the beginning of classes, it could be considered cause for cancellation of registration. If such a falsification is discovered after the student has begun classes, it could be considered cause for dismissal. A student is prohibited from knowingly possessing, displaying, or causing or permitting to be displayed any writing, record, document, or identification form used or maintained by Nicholls knowing the same to be fictitious, altered, forged,

counterfeit, or made without proper authority. If a student falsifies a record and it is discovered between the time of his or her application for admission and the beginning of classes, it could be considered cause for cancellation of registration. If such a falsification is discovered after the student has begun classes, it could be considered cause for dismissal.

19. **Emergency Safety** - It is prohibited to tamper with police equipment/property, fire-fighting equipment and fire alarm systems, or in any way cause a fire alarm to activate. A student is expected to report anyone observed in violation of this policy. If found in violation, the responsible student(s) may be subject to: University discipline up to and including suspension from the University, criminal and/or civil prosecution. Failure to leave the building promptly or follow instructions during an emergency may result in a disciplinary action up to and including disciplinary probation and/or residence hall dismissal, if applicable.

20. **Fireworks & combustibles** - Nicholls State University prohibits the possession of and/or use of fireworks or combustible materials; simulated or otherwise. Louisiana law and University policy prohibit:

- a. The sale, possession, or use of fireworks; the manufacture, possession, or control of any explosive compound or mixture with a detonator or initiator or both, or any fake explosive.
- b. Initiating or causing to be initiated a fire, explosion, or other emergency initiating or causing to be initiated any false report or warning of fire, explosion or other emergency. Improper use of safety, emergency or firefighting equipment or any other violation of Nicholls' fire safety procedures.

The above prohibitions also apply to possession and storage of these items in a motor vehicle parked on Nicholls' campus. Violation of the above policy and state law will subject the offender to University discipline up to and including dismissal from the University and/or prosecution under the state's criminal statutes depending on the nature and seriousness of the offense.

21. **Guests** - It is expected that guests of students of the Nicholls community will at all times conduct themselves in accordance with the policies and standards of the University. A student will be accountable for the conduct of his or her guest(s) and may be subject to disciplinary action as the responsible party for violations of University policy incurred by their guests. Students are responsible for any activity that occurs in their residence hall rooms whether or not they are present at the time. This policy will apply to individual students, student groups, and recognized student organizations.

22. **Hazing** - 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. Furthermore, Nicholls State University adheres to the UL System Statement on Hazing- Revised 8.23.18 and upholds all LA statutes related to hazing. Student organizations and/or individual members found to have engaged in hazing shall be in violation of the Standards of Conduct and [Louisiana Revised Statute R.S. 14:40.8](#).
23. **Misuse of university records** - A student is prohibited from falsely making, forging, manufacturing, printing, reproducing, tampering with or altering any writing, record, document, or identification form used or maintained by the University. Also, from knowingly possessing, displaying, or causing or permitting to be displayed any writing, record, document, or identification form used or maintained by Nicholls knowing the same to be fictitious, altered, forged, counterfeit, or made without proper authority.
24. **Obstruction of disciplinary matters** - A student is expected to comply and participate fully in the disciplinary process of the University. Noncompliance will subject a student to further disciplinary action and/or sanctions. Non-compliance factors include, but are not limited to, the following:
- a. Any attempt to intimidate, harass, or abuse any party or witness to a disciplinary action, or any board member or hearing officer, before, during, or after a conduct hearing, is prohibited.
 - b. Denial or failure to meet with the Director of Conduct and Accountability or other hearing officer(s) for a conduct administrative meeting.
 - c. Failure to attend a conduct hearing with a hearing board or hearing officer(s).
 - d. Failure to complete assigned sanctions
25. **Persistent misconduct** – Prior violations and sanctions maybe introduced during a proceeding if it is determined that behaviors reflecting consistent disregard for University or residence hall policy, and/or the rights of others, exist.
26. **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, or the inappropriate presentation of someone else'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.

27. **Property damage** - A student is prohibited from removing, destroying, or otherwise damaging property of others and University property. A student is prohibited from any action that could inflict damage to University property. A student is prohibited from intending to, or accidentally damaging, defacing, or otherwise destroying University facilities.
28. **Retaliation** - The University prohibits retaliation (including retaliatory harassment) against anyone for inquiring about suspected breaches of University policy, registering a complaint pursuant to its policies, assisting another in making a complaint, or participating in an investigation under its policies. Retaliation is a serious violation that can subject the parties to strong responsive action, including sanctions, independent of the merits of the policy violation allegation. Retaliation is prohibited even if the University finds that no violation of the policy occurred. Retaliation is defined as an adverse action or adverse treatment against an individual involved in an investigation by an individual who knew of the individual's participation in the investigation. Anyone experiencing any conduct that he or she believes to be retaliatory (or retaliatory harassment) should immediately report it.
29. **Sexual Assault:** a) **Non-Consensual Sexual Intercourse:** Having or attempting to have sexual intercourse, cunnilingus, or fellatio without consent. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger, or inanimate object. B) **Non-Consensual Sexual Contact:** Any intentional sexual touching, or attempted sexual touching, without Consent.
30. **Sexual Exploitation:** An act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio- or videotaping of sexual activity, prostituting another person, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual's knowledge.
31. **Sexual Harassment:** Unwelcome conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; 2) submission to or rejection of such conduct by a person is used as the basis for a decision affecting that person's employment or education; or 3)

such conduct has the purpose or effect of unreasonably interfering with a person's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to the subject matter of a course or academic research. Sexual Harassment also includes non-sexual harassment or discrimination of a person because of the person's sex and/or gender, including harassment based on the person's nonconformity with gender stereotypes. For purposes of this Policy, the various forms of prohibited Sexual Harassment are referred to as "sexual misconduct."

32. **Sexual Misconduct:** A sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the consent of the other person(s), or that occurs when the person(s) is unable to give consent or whose consent is coerced or obtained in a fraudulent manner. For the purpose of this Policy, sexual misconduct includes, but is not limited to, sexual assault, sexual abuse, violence of a sexual nature, sexual harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent of the persons depicted therein, as well as dating violence, domestic violence, and stalking. See Sexual Assault Policy.
33. **Theft** - A student found to be appropriating University or private property for their own use or sale without the specific consent of the owner, or person legally responsible for it, will be subject to investigation from both University and civil authorities.
34. **Tobacco** - *Nicholls State University is a Tobacco Free Campus. The use of any tobacco product in any form is prohibited. Restricted tobacco products include cigarettes, cigars, e-cigarettes, pipes, water pipes, all smokeless tobacco (chew, snuff, etc.), and all non FDA approved nicotine products. This policy applies to all University students, faculty, staff, contractors, and visitors (the general public).*
35. **Unauthorized Recording** - Any unauthorized use of electronic or other devices to make an audio or video still frame or photographic record of any person without their prior knowledge or without their effective consent when the person or persons being recorded have a reasonable expectation of privacy and/or such recording is likely to cause injury or distress; this includes but is not limited to surreptitiously taking pictures of another person in a gym, locker room, or restroom. If a recording is made that captures a student conduct violation or the violation of law, the Director of Conduct and Accountability may elect not to enforce this section of the rules against the student making the recording (Amnesty).
36. **Verbal or physical aggression** - A student is prohibited from any verbal or non-verbal comment or physical action, which could inflict or seriously threaten injury or harm to a person.

37. **Weapons** - Nicholls State University prohibits the possession of and/or use of firearms or other dangerous weapons; simulated or otherwise. Louisiana law and University policy prohibit:

- a. The manufacture, ownership, possession or custody or use of any switchblade knife, spring knife, or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by manipulation of a button, switch, latch, or similar contrivance.
- b. Carrying a dangerous weapon to include any gas, liquid, or other substance or instrumentality that, in the manner used, is calculated or likely to produce death or great bodily harm.
- c. The possession of firearms on-campus; simulated or otherwise.

The above prohibitions also apply to possession and storage of these items in a motor vehicle parked on Nicholls 'campus. Violation of the above policy and state law will subject the offender to University discipline up to and including dismissal from the University and/or prosecution under the state's criminal statutes depending on the nature and seriousness of the offense.

Sanctions

In general, sanctions will be proportionate to the severity of the violation(s) as determined in the discretion of the University.

Possible Sanctions

The following sanctions may be meted out for violations of the *Standards of Conduct*:

1. **Admonition** - written reprimand from the Dean to the student, on whom the penalty is imposed, placed in the student's permanent discipline record.
2. **Warning Probation** - written notification that further violations of any of the standards 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.
3. **Disciplinary Probation** - written notification that further violations of any section of these standards may result in further disciplinary action including but not limited to suspension.
4. **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.
5. **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.
6. **Disciplinary Fine** - The appropriate administrative party 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.
7. **Service Hours** - The appropriate administrative party may assign community service work to fit the particular case.
8. **Suspension of Rights and Privileges** – an elastic penalty. The Director of Conduct and Accountability or 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.
9. **Suspension of eligibility for official athletic and non-athletic extracurricular activities** – The Director of Conduct and Accountability or 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 nonathletic extracurricular activity. A suspension may be imposed under this Sub-section for more than one calendar year.

10. **Failing Grade/removal from class/lab** - may be assigned in a course in which the student was found responsible for academic dishonesty or severe or repeated disruption of class/lab activities. The student will be banned from attending the class/lab activities.
11. **Denial or Revocation of Degree** – a student found responsible for academic dishonesty may be denied a degree, or, if the dishonesty is discovered and proven after the degree is awarded, it may be revoked.
12. **Cancellation of registration or denial of credit** - may be imposed in cases where the student is found responsible for withholding information relating to the student's admission, transfer credits, academic status, records, etc.
13. **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 Director of Conduct and Accountability, 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.
14. **Temporary Suspension until administrative hearing can be held** - may be used in the event of a threat of safety to the University community, if a student refuses to answer a summons or in any case of student conduct which disrupts or may disrupt university activities or services. Any or all prohibitions listed in Sanction 9 may be imposed.
15. **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 Sanction 9.

ACADEMIC INTEGRITY

As members of the Nicholls State University community, students are expected to uphold the highest standards of academic and personal conduct. Disruptive behavior in the classroom and academic dishonesty violate these standards as well as the trust and commitment among students and faculty.

The primary responsibility for managing the learning environment rests with the faculty. Students who engage in any prohibited or unlawful acts that result in disruption of a class may be directed by the professor/instructor to leave the class for the remainder of the class period. The term “prohibited . . . acts” includes behavior prohibited by the professor/instructor (including, but not limited to, making unauthorized recording of any part of a class, online meeting, or other academic settings, persistently speaking without being recognized or called on, refusing to be seated, leaving or entering in a manner that is disruptive.). It must be emphasized that this provision is not designed to be used as a means to punish classroom dissent. The expression of disagreement with the instructor or classmates is not in itself disruptive behavior. Longer suspensions from a class or dismissal on conduct grounds must be preceded by the student conduct process, as set forth in the Student Policy and Procedure Manual.

DEFINITIONS

1. **Academic Dishonesty** - any action or effort by a student to use illegal, deceitful, or unacceptable means in any academic work or setting. Examples include but are not limited to falsifying data, information or citations, providing false excuses or information to an instructor concerning an academic exercise, bribery, sabotage, or willfully disrupting or disturbing the academic progress of others, cheating and plagiarism.
2. **Cheating** - 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.
3. **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, or the inappropriate presentation of someone else’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.

4. **Disruptive Behavior** - any action or effort by a student to disrupt or disturb the academic progress of other individuals within the academic setting or a setting related to academic activities.

5. **Academic Probation** - A student, including a first time entering freshman, will be placed on academic probation whenever the official cumulative average is 10 or more quality points below a 2.0 average.

6. **Academic Suspension** - A student on academic probation will be suspended from the university at the conclusion of any semester or summer session in which he or she fails to earn a semester grade point average of 2.0. Once on academic probation, a student will remain on probation until the official cumulative grade point average of 2.0 is achieved.
 - a. **First Time Academic Suspension** - A student who is suspended for the first time for academic reasons may not be considered for readmission until he or she has been out of the institution for one regular semester. A student suspended at the end of the spring semester may enroll for the summer session immediately following the spring semester without appeal. If the student raises his or her official cumulative grade-point average to 2.0 or higher, then the student will be placed in good academic standing, and the suspension lifted so that that the student may then enroll for the fall semester without an appeal. If the student does not raise his or her official cumulative grade-point average to 2.0 at the end of the summer session, then the suspension is in effect for the fall semester. In this case, only one suspension is counted against the student.
 - b. **Two or More Academic Suspensions** - A student who has been suspended more than once for academic reasons must remain out of the university for at least one calendar year from the semester of suspension. However, students suspended at the end of the spring semester may also attend summer school. To be readmitted to any semester, other than the summer session, he or she must appeal.

NOTE: An undergraduate student suspended from a University of Louisiana System institution may not enroll in another university within the System, but may enroll in a community college with the approval of the community college. To ensure minimal or no loss of credits upon return to the university, it is recommended that the student consults with his/her university advisor regarding the choice of courses to be taken at the community college. Credits earned under these conditions may be accepted for a degree at the suspending institution provided grades of C or higher are earned in each of the courses to be transferred.

7. **Academic Appeals for a Waiver of Suspension** - If a student feels he/she has been mistreated concerning to any academic matter including grade assignment or discipline imposed as result of academic cheating, plagiarism, or disruptive classroom or related academic activity behavior, the Student Academic Grievance Procedures are to be followed.
- a. **First-Time Suspension** - Students will submit the appropriate appeal form and their letter of appeal with documentation to their academic dean. Deadline dates for appealing must be strictly adhered to by students requesting a waiver of the suspension period. Deans will notify each student if the first-time appeal is approved. If the appeal is denied, then the Academic Policies and Standards Committee will review the decision. The student will be notified of the committee's decision. The decision of the committee is final and binding. If an appeal is approved, the student shall be considered on academic probation. Failure to attain a semester GPA of 2.0 or better will result in suspension.
 - b. **Two or More Suspensions - Students** will submit the appropriate appeal form and their letter of appeal with documentation to the Office of Academic Affairs. The Office of Academic Affairs will forward the materials to the University Academic Policies and Standards Committee. Documentation must include evidence of extenuating circumstances such as serious illness or injury, death in the family, or traumatic event. Deadline dates for appealing must be strictly adhered to by students requesting a waiver of the suspension period.
 - c. The University Academic Policies and Standards Committee will decide whether to accept or deny the appeal for a waiver. The Office of Academic Affairs will notify each student of the Committee's decision. The decision of the Committee is final and binding. If an appeal is approved, the student is placed on academic probation. Failure to attain a semester GPA of 2.0 or better will result in suspension. Any questions regarding financial aid should be directed to that office. Appealing for an academic waiver of the suspension period, and appealing for financial aid are two separate matters.
8. **Appeal Procedures for Graduate Students** - Graduate students should refer to the Graduate Studies section of the University Catalog for appeal procedures.

Notes:

- Any questions regarding financial aid should be directed to that office. Appealing for an academic waiver of the suspension period, and appealing for financial aid are two separate matters.
 - Students who were suspended and had stayed out the required time stipulated by their suspension must reapply to the University.
9. **Student** – 1. Any person seeking admission or accepted for admission to Nicholls State University. 2. Any person enrolled at Nicholls State University (full time, part-time, Online)

10. ***Student Academic Grievance*** – Procedures sanctioned for a student who feels he/she has been mistreated with respect to an academic matter. These procedures are also to be used in grade appeals.
11. ***Student Educational Records*** – Any student record maintained by the University for the purpose of recording student accomplishments, conduct sanctions, participation in activities.
12. ***University premises or related premises*** – All lands, buildings, and facilities owned, leased, or controlled by the University.

Work Day – a day on which the University is officially open (Monday through Friday) except for official University holidays.

DEFYING ACADEMIC INTEGRITY

When a student defies academic integrity (including but not limited to severe or repeated disruption of class/lab activities), the instructor may;

- 1) Assign a grade of “zero’ for the assignment
- 2) Invoke the maximum sanction of immediate expulsion from the course with a failing grade.
- 3) If the student’s conduct warrants a more severe penalty than expulsion from the class with a failing grades, the faculty member will file a formal charge with the Academic Dean of the college offering the course.
- 4) The Academic Dean may dispose of the violation administratively and contact the Director of Conduct and Accountability for further sanctions as warranted.

In cases of defying academic integrity as related to cheating or plagiarism (or of a faculty member’s cheating policy) the faculty member is required to file an Academic Dishonesty/Disruption Report with the Dean of the college offering the course (who will then forward it to Office of Academic Affairs) whenever a student is confronted and/or disciplined for said violation.

- 5) 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. Students with multiple violations may be charged with additional violations
- 6) The Office of Academic Affairs will forward a copy of the Academic Dishonesty/Disruption Report athlete.

STUDENT ACADEMIC GRIEVANCES

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 mistreated with respect to an academic matter. These procedures are also to be used in grade appeals. 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 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 Academic Dean of the College in which the faculty member teaches. The grievance form must be filed with the Academic Dean within six (6) months of the alleged incident. The Dean should informally review the merits of the complaint and attempt to facilitate a resolution of the matter before initiating the formal process.

Formal Procedures

1. The Academic Dean shall verify that the 6 month deadline for filing the academic grievance has been met. If so, the Academic Dean shall refer the matter to the College Academic Grievance Committee within ten (10) work days after receipt of the grievance form and/or attempts to facilitate an informal resolution. If the form is not submitted to the Academic Dean within six months of the alleged incident, the Academic Dean shall inform the student in writing that the 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 Academic 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 an 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 with 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.

Academic Grievance Committee

- 1) Composition – The Academic Dean of each college will appoint the College Academic Grievance Committee. 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 Academic Dean will appoint one of the three faculty members to serve as chair.
- 2) Duties - 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 the Standards of Conduct. 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

1. 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.
2. 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.
3. Any member of the committee who is directly involved with the academic grievance before the committee shall excuse himself/herself in order to ensure a fair hearing.
4. 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.

5. All parties concerned with the academic grievance shall appear in person and remain until the chair releases them.
6. Parties may appear alone or with one other person. This person may be 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 (s) 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.
7. The student and the faculty member may present documentary evidence, witnesses, and testimony. Only three witnesses may appear for each side. The committee will grant exceptions to the number of witnesses upon demonstration that three witnesses cannot adequately present a party's case. The chair will rule on all exception requests.

The following sequence shall be followed for the presentation of testimony

1. Grievant opening statements
2. Faculty opening statements
3. Testimony and cross-examination of witnesses
4. Student closing statement (10 minute limit)
5. Faculty closing statement (10 minute limit)
6. Student rebuttal (5 minute limit)
7. Faculty rebuttal (5 minute limit)
8. The committee reserves the right to question any party appearing before the committee at any time.
9. 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.
10. Neither the student nor faculty member shall question the other directly but may suggest questions to the chair.
11. A tape recording of the proceedings, except for the committee deliberations in executive session, will be maintained along with the written record.
12. After all the 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 the first paragraph of the section titled "Hearing Procedures."
13. The committee will reconvene in regular session for the purpose of informing the student and the faculty member of its findings and recommendation(s).
14. The committee will report its findings and recommendations to be taken to the Academic 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 the Academic Dean.

15. The Academic Dean will conduct a procedural and substantive review of the matter. The Academic Dean will either accept the findings and implement the recommendations of the committee or, if the Academic Dean determines that a procedural or due process error has been made or there is cause for reconsideration based on substantive matter, reject the findings and/or recommendations of the committee and impose appropriate action or refer the matter back to the committee for reconsideration.
16. The Academic 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 Academic 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 Academic Dean of the college by petitioning the Vice President for Academic Affairs in writing within ten (10) work days from the date of the letter sent by the Academic 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).

1. 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.
2. No new evidence may be presented. The decision on the 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 Academic Dean, and the appeal petition submitted by the student or faculty member. The Academic Policies and Standards Committee (Graduate Council) will, within ten (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.
3. 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.
4. 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.

5. The President will notify the appropriate parties of the decision. The decision of the President is final.
6. 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 do 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 is 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 repeated violations. The AAIC may recommend that additional sanctions be imposed upon the student.

NOTE: 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 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 Academic Dean, and one student representative to be appointed by the SGA president. Faculty members will be nominated by the Academic Deans of each college and approved by the Vice President for Academic Affairs. The VPAA will also appoint an Academic Dean to the committee.

Process

1. 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).
2. 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.
3. The Committee will conduct a thorough review of all documentation on file and, at its discretion, interview parties involved. If warranted, the committee may recommend to the Vice President for Academic Affairs that additional sanctions be imposed on the multiple offender as outlined below.

Appeal Procedures

The student may appeal the decision of the Vice President for Academic Affairs 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 Vice President for Academic Affairs. The petition must indicate the basis for the appeal as one or more of the following:

1. Published procedures were not followed;
2. There was insufficient evidence to support the committee's decision(s);
3. Sanctions imposed were inappropriate;

4. Subsequent to the hearing, information was discovered which indicates that members(s) of the committee were not impartial.
5. 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.
6. The President will notify the appropriate parties of the decision.

Administrative Procedure for Notifying Academically Suspended Students

1. Following the finalization of grades after each semester and the summer session, the Office of Records and Registration will provide a list of the names of suspended students to the Office of the Provost and Vice President for Academic Affairs.
2. The Office of Academic Affairs will forward a list of first-time suspended students to the appropriate academic dean.
3. Each dean will notify first-time suspended students in writing of their suspension detailing the conditions and deadlines to be met for requesting a waiver of the suspension period (appeal).
4. The Office of Academic Affairs will notify each student suspended two or more times in writing of their suspension detailing the conditions and deadlines to be met for requesting a waiver of the suspension period (appeal).
5. With regard to appeal results, the Office of Records and Registration will be notified of the deans' decisions and the results from the Academic Policies and Standards Committee for transcript posting.
6. Each dean will notify first-time suspended students who appealed by telephone and in writing of their decision and recommendations (if any). If the appeal is denied, the Academic Policies and Standards Committee will review the decision. The student will then be notified of the committee's decision. The decision of the committee is final and binding.
7. The Office of Academic Affairs shall notify each second-time (or more) suspended student who appealed by telephone and in writing of the committee's decision and recommendations (if any). In the case of denials, such notification shall include a statement that the committee's decision is final and binding.

**Academic Policies and Standards Committee
Procedure**

1. The Office of Academic Affairs shall prepare a roster of students requesting waivers.
2. The Office of Records and Registration shall prepare copies of the transcripts for all students who request a waiver of the suspension period within the specified time, for use by the Academic Policies and Standards Committee.
3. The committee chair shall convene the committee no later than the last day of regular registration.
4. The Academic Policies and Standards Committee shall obtain all requests for waiver of suspension periods and transcripts from the Office of Academic Affairs.
5. The committee shall consider each appeal and vote to accept or deny the appeal. This procedure does not require that students appear before the committee. The committee, however, reserves the right to require that a student appears before the committee to clarify the written evidence submitted.
6. The chair shall record the acceptance or denial of each request on the appeal form, include committee recommendations, and return all appeal packets to the Office of Academic Affairs.
7. The entire appeal packet for each student, along with a copy of the results notification letter, will be sent to the Office of Records and Registration.

Policy Regarding Sexual Assault, Stalking, Relationship Violence, & Sexual Harassment

In compliance with:
Federal and State Laws and Codes
Board of Regents and University of Louisiana System Policies

NICHOLLS STATE UNIVERSITY
JULY 1, 2019

POLICY REGARDING SEXUAL ASSAULT, STALKING, RELATIONSHIP VIOLENCE, & SEXUAL HARASSMENT

*In compliance with:
Federal and State Laws and Codes
Board of Regents and University of Louisiana System Policies*

Policy Statement

Sexual assault, stalking, domestic violence, and dating violence are criminal offenses that are inconsistent with the mission and values of Nicholls State University. Such offenses are prohibited and will not be tolerated in any manner, any setting related to the University, or by any individual(s) associated with the University in any way. The University is fully committed to maintaining a respectful, healthy, and safe environment for all members of the campus community and its constituents.

Scope of Policy

The policy herein and all applicable related policies applies to all students and employees who feel they have experienced incidents covered in these policies. Resources and services are available in any and all circumstances. Any incident taking place while the respondent is enrolled or employed qualify for remediation, resolution, and/or adjudication, but the extent of that application may be dependent on location and circumstances of the incident. The application of all policies herein is inclusive of all students and employees regardless of sexual/affectional orientation or gender identity.

Confidentiality is of the utmost importance to the university and all efforts will be made to maintain the complainant's and respondent's confidentiality while meeting all obligations to the safety of individuals and the campus community and promoting accountability for sexual misconduct. More information about confidentiality can be found in this document under [Confidentiality](#)

Definitions

Sexual misconduct is a sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the consent of the other person(s), or that occurs when the person(s) is unable to give consent or whose consent is coerced or obtained in a fraudulent manner. For the purpose of this Policy, sexual misconduct includes, but is not limited to, sexual assault, sexual abuse, violence of a

sexual nature, sexual harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent of the persons depicted therein, as well as dating violence, domestic violence, and stalking.

The following definitions reflect the most current laws and statutes in the state of Louisiana and/or Federal laws and definitions.

Sexual Assault as defined by the Clery Act: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program

Sexual Assault as defined by Louisiana State Law:

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

Non-Consensual Sexual Contact: Any intentional sexual touching, or attempted sexual touching, without Consent.

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

Sexually Oriented Criminal Offense: Any sexual assault offense as defined in La. R.S. 44:51 and any sexual abuse offense as defined in R.S. 14:403

Stalking as defined by Clery Act: Intentional and repeated following OR harassing that would cause a reasonable person to feel alarmed OR that would cause a reasonable person to suffer emotional distress OR 2. Intentional and repeated uninvited presence at another person's: home, work place, school, or any other place which would cause a reasonable person to be alarmed OR would cause a reasonable person to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping or any other statutory criminal act to the complainant OR any member of the complainant's family OR any person with whom the complainant is acquainted 34 CFR 668.46(a)(ii)

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

Domestic Violence definition in Clery Act: Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a current or former spouse or intimate partner or any other person from whom the Alleged Complainant is protected under federal or Louisiana law. Felony or misdemeanor crime of violence committed:

By a current or former spouse or intimate partner of the complainant;

By a person with whom the complainant shares a child in common;

By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;

By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

By any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

Family violence definition in Louisiana law: means any assault, battery, or other physical abuse which occurs between family or household members, who reside together or who formerly resided together. La. RS § 46.2121.1(2)

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

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

Dating Violence definition in Louisiana law: "Dating violence" includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. La. RS § 46.2151(C) For purposes of this Section, "dating partner" means any person who is or has been in a social relationship of a romantic or intimate nature with the complainant and where the existence of such a relationship shall be determined based on a consideration of the following factors:

The length of the relationship.

The type of relationship.

The frequency of interaction between the persons involved in the relationship.

The following definitions shall also be used in institutional policy and in the implementation thereof by all Louisiana public postsecondary education institutions as per the Board of Regents:

Sexual Harassment: Unwelcome conduct of a sexual nature when i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education; ii) submission to or rejection of such conduct by a person is used as the basis for a decision affecting that person's employment or education; or iii) such conduct has the purpose or effect of unreasonably interfering with a person's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to the subject matter of a course or academic research. Sexual Harassment also includes non-sexual harassment or discrimination of a person because of the person's sex and/or gender, including harassment based on the person's nonconformity with gender stereotypes. For purposes of this Policy, the various forms of prohibited Sexual Harassment are referred to as "sexual misconduct."

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

Consent: Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in a specific sexual activity. Silence alone, without actions evidencing permission, does not demonstrate Consent. Consent must be knowing and voluntary. To give Consent, a person must be of legal age. Assent does not constitute Consent if obtained through Coercion or from an individual whom the Alleged Offender knows or reasonably should know is incapacitated. The responsibility of obtaining Consent rests with the person initiating sexual activity. Use of alcohol or drugs does not diminish one's responsibility to obtain Consent. Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of Consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving Consent. A current or previous consensual dating or sexual relationship between the persons involved does not itself imply Consent or preclude a finding of responsibility.

Incapacitation An individual is considered to be incapacitated if, by reason of mental or physical condition, the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Being drunk or intoxicated can lead to Incapacitation; however, someone who is drunk or intoxicated is not necessarily incapacitated, as Incapacitation is a state beyond drunkenness or intoxication. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be Incapacitated include, but are not limited to, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance.

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

Educational Prevention and Awareness Programs

The University provides education programs and outreach events throughout the academic year to promote awareness of sexual assault, domestic and relationship violence, and stalking. These campaigns provide information regarding resources, teach sensitivity regarding complainant/survivor experience, and promote a healthy culture and mindset that prevents these crimes from occurring. Additionally, in compliance with Campus SaVE as well as State Law and BoR/ULS Policy, Nicholls provides specifically structured educational programs for all new students and employees annually. These

include definitions of these crimes as well as consent; bystander intervention; risk reduction; and an emphasis on these crimes being strictly prohibited by the institution.

The University also adheres to its procedures and protocols that hold perpetrators accountable and its vigilant crime reporting data and statistics that provide transparency. These factors contribute, along with the education efforts, to the prevention of the crimes addressed in this policy.

Procedures

Being a complainant of any of the violations addressed in this document is traumatic and all complainants will respond differently. However, all complainants have the same options and rights afforded to them. Below is an explanation of various procedures associated with these options.

Initial Procedural Information for Complainants

- Any person who has been a complainant of a sex offense is encouraged to seek prompt medical attention regardless of whether or not the decision has been made to report the crime to the police.
 - Medical attention will help ensure that any injuries and/or diseases are identified and treated
 - Medical attention allows for evidence collection at the individual's request, which is extremely important should the individual decide at any point, immediately or later, to pursue criminal prosecution, civil action, or a protective order.
 - In order to preserve evidence, complainants should avoid the following
 - Bathing
 - Douching
 - Urinating
 - Drinking any liquids
 - Smoking, eating, or brushing teeth if oral contact occurred
 - Changing clothes. However, if clothes are changed, place the clothes you were wearing at the time of the assault in a *paper* bag
- If evidence is collected, there is a special rape protocol that will be followed which entails swabs in and around the mouth, vagina, and anus; combing of pubic hair; collecting clothing; collecting samples of blood, hair, and saliva
- The following local emergency rooms provide evidence collection:
 - Thibodaux Regional Medical Center ~ Thibodaux
 - Chabert Hospital ~ Houma
 - Terrebonne General Medical Center ~ Houma
 - St. Anne Hospital ~ Raceland
 - Lady of the Sea General Hospital ~ Cut Off

Reporting Procedures

All complainants of sex offenses, domestic or relationship violence, sexual misconduct, and stalking have several options for initiating a complaint and/or taking legal action. These are listed below and the individual may choose to implement one of these options or any combination of these options, including all. Individuals representing any one of the on-campus options below will be able to provide complainants with information about and assistance contacting the other options. Additionally, complainants have options to file informal or formal complaints with campus entities. **Informal complaints** will involve finding solutions that address the complainant's concerns and allow the complainant to continue to matriculate or work without interference related to the incident. **Formal complaints** will trigger official investigations, processes such as adjudication, and potential hearings by a Discipline Committee or Anti-Discrimination Committee. Complainants may file both complaints and take legal action by filing reports with law enforcement, file a complaint only, halt the informal complaint process at any time and pursue a formal complaint, or bypass the complaint process and only take **legal action** by filing a criminal report with law enforcement. Informal complaints are not appropriate for all incidents included in this policy and there may be circumstances where the University is obligated to pursue formal protocols to maintain the safety of the institution. It should be noted that informal complaints/resolutions are not appropriate for all types of incidents.

It is also important that complainant understand the level of confidentiality to which each individual is obligated. **Privileged professionals** have legally protected parameters when acting in their clinical role, which means that if a complainant reports that they have been a complainant, that professional cannot and will not disclose the information to any other individual or office without the complainant's consent except under circumstances that require disclosure under the laws governing that profession (e.g. imminent danger to self or others). **Mandatory Reporters (Campus Security Authorities)** are employees and students who are required to report that an incident has occurred with basic non-identifying information about the incident, but will upon the request of the complainant, withhold the complainant's identity. **Confidential Advisors** are specially trained individuals who primarily serve to aid a student involved in a sexual misconduct complaint in the resolution process as a confidential resource. Requests for accommodations that flow through a confidential advisor shall not trigger an investigation. These individuals are trained to serve as a liaison between the complainant and other entities on campus for accommodation request; fully and accurately explain to the complainant all reporting options, complainant's rights, university obligations, and all procedures; and accompany complainant when requested to do so by the complainant to interviews and other proceedings if the complainant chooses to make a formal complaint or report. **Responsible Employees** have the authority to take action to redress sexual violence and have been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator and must report all information related to the complainant's report including the complainant's name and full details of the incident. Below is a list of those individuals/offices by category.

Privileged Individuals

Individuals/offices for completely confidential reporting:

- University Counseling Center counselors
 - 985-448-4080
 - 224 Elkins Hall
- University Health Services physician, nurse practitioners, RN's
 - 985-293-2600
 - First Floor Ayo Hall
- Campus Clergy
 - St. Thomas Aquinas
 - Father Mitch
 - 985-446-6201
 - Baptist Student Union
 - Brother Conan Sherlin
 - 985-365-8873
- (Off-Campus) The Haven - Rape Crisis/Domestic Violence Agency
 - 800-777-8868 (Crisis Line)

Confidential Advisors

Specially trained individuals who will maintain full confidentiality otherwise and provide special assistance to complainant:

- Sabrina Laurent
 - Callais Recreation Center
 - 985-493-2741
- Alex Coad
 - Residential Living
 - 985-493-3304
- Cambria Bouzigard
 - Academic Advising Center
 - 985-448-4101
- Carly Clark
 - Student Activities and Organizations
 - 985-448-4523
- The confidential advisor may, as appropriate, serve as a liaison between an alleged victim and Nicholls State University or local law enforcement when directed to do so in writing by an alleged victim who has been fully and accurately informed about what procedures shall occur if information is shared, and assist an alleged victim in contacting and reporting to a responsible employee or local law enforcement.
- The confidential advisor is authorized by Nicholls State University to liaise with appropriate staff to arrange reasonable accommodations to allow the alleged victim to change living arrangements or class schedules, obtain accessibility services, or arrange other accommodations. The same accommodations that are offered to the alleged victim may be

offered to the accused. Any requests for accommodations shall not trigger an investigation by the institution.

- The confidential advisor is authorized to accompany the alleged victim, when requested to do so by the alleged victim, to interviews and other proceedings of a campus investigation and institutional disciplinary proceedings.
- The confidential advisor is authorized to advise the alleged victim of, and provide written information regarding, both the alleged victim's rights and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a court of competent jurisdiction or by the institution.
- The confidential advisor is not obligated to report crimes to the institution or law enforcement in a way that identifies an alleged victim or an accused individual, unless otherwise required to do so by law.

Mandatory Reporters (Campus Security Authorities {CSA})

Individuals/offices for reporting who must report incident information, but will maintain complainant's anonymity:

*May trigger obligated action by university while maintaining complainant confidentiality (i.e. Security Alerts)

*May trigger investigation

- Vice president for Student Affairs; Director of University Police; University Police Officers; Director of Conduct and Accountability; Director of Union Services and Facilities; Campus Recreation Staff; Director of Student Support Services; Director of Financial Aid; Director of Bands; Director of Student Publications; Director of Student Access Center; Coordinator of SEALS; Director of International Student Services; Advisor of KNSU; Director and Assistant Director of Residential Living; Greek Life Coordinator; Head Residents; Director of Student Orientation; Art Faculty; Music Faculty; Athletic Academic Advisors; Faculty Advisors of Active Student Organizations; Director and Associate Directors of Athletics; Head and Assistant Coaches; Graduate assistants in Athletics; Athletic Trainers
- A current list of these specific persons and their contact information can be found at <http://www.nicholls.edu/services/campus-save/campus-security-act/>.

Responsible Employees

*Must report to Title IX Coordinator. May trigger investigation.

Individuals/offices who must report all information:

- All CSA's listed above and
- Academic Deans and Assistant/Associate Deans; Academic Department Heads; Non-Academic Department Heads; Provost; Vice President for Business Affairs; Vice President for Advancement; Chief of Staff; President; Executive Director of Enrollment; Director of Graduate Studies; Academic Advisors

Reporting To Conduct and Accountability

*Informal or Formal Complaint; Adjudication Process

- Directly to Dr. Tommy Ponson

- Compliance and Ethical Development in Student Union/Student Life Suite
- 985-448-4531

Reporting to Police

*Legal/criminal action

- Directly to University Police (U.P.) Any crime that takes place on the Nicholls State University Campus should be reported directly to U.P.
 - 985-448-4911
 - 985-448-4746
- Directly to local law enforcement in the jurisdiction where the crime took place.
 - Lafourche Parish Sheriff's Office ~ 985-448-2111
 - Thibodaux Police Department ~ 985-446-5021
 - Terrebonne Parish Sheriff's Office ~ 985-876-6500
 - List of law enforcement across Louisiana <http://www.usacops.com/la/>

Online & Anonymous Reporting

- Individuals may submit an anonymous report of the crimes listed in this document or any other crimes or potential crimes through the University Police web page at <https://www.nicholls.edu/police/frequently-asked-questions/anonymous-crime-report/> or by calling University Police's anonymous report line at 985-448-4480.

Reporting to Other Campus Entities/Departments

*Formal or Informal Complaint

*May trigger investigation

- Title IX Coordinator or Deputy Coordinator
 - Dr. Michele Caruso ~ 985-448-4081
 - Mr. Steven Kenney ~ 985-448-4041
 - Ms. Lindsey McKaskle ~ 985-448-4789
- Dean of Students
 - Dr. Michele Caruso ~ 985-448-4081
- Human Resources/EEOC Coordinator
 - Mr. Steven Kenney ~ 985-448-4041
- Director of Compliance and Ethical Development
 - Dr. Tommy Ponson ~ 985-448-4525

All University employees, excluding those with confidentiality privilege, are expected to report any of the crimes, including those addressed in this policy statement, of which they become aware to the U.P and/or Title IX Coordinator. However, the departments/individuals specifically listed above may have reporting obligations and are specially trained to respond to work with those who report sexual assault,

domestic and relationship violence, sexual harassment, and stalking. These individuals/offices can also assist complainants with notifying law enforcement if the complainant chooses.

Remember, reporting does not require the filing of criminal charges by the complainant. A report allows the University to provide support to the complainant and assess the level of risk to the safety of the campus. Once a report is made the University may have an obligation to investigate and/or take action. All reports received by the U.P. are shared with Title IX coordinator and vice versa.

Investigation Procedures and Protocols

Both formal and informal complaints may be sent to the Title IX Coordinator or Deputy Title IX Coordinator by Responsible Employees or others as requested by the complainant. Typically, the Title IX Coordinator will invite the potential complainant to meet to ensure that the complainant understands all options and protocols. The general responsibilities of the Title IX Coordinator include overseeing the institution's response to reports and complaints and identifying and addressing patterns or systematic problems revealed by such reports and complaints. Additionally, the Title IX coordinator will review requests for confidentiality in the context of the institution's responsibility to provide a safe and nondiscriminatory environment for all students as well as identify need for and implement interim measures where necessary. If the incident is not Title IX related, the potential complainant may be referred to the Title IX Coordinator or other appropriate official such as the Dean of Students to review all options and protocols. Nicholls State University policies and procedures will not be implemented in a manner that will infringe on any form of speech or conduct that is protected by the First Amendment.

Investigation

All sexual misconduct, interpersonal violence, stalking, and sexual harassment incidents and complaints that are initiated by a complainant or are initiated administratively due to concerns for general campus safety are processed through Conduct and Accountability (campus judicial process) or Human Resources. These procedures can be found in the Student Policy and Procedure Manual: Standards of Conduct and the Employee Policy and Procedure Manual.

If a complainant's request for confidentiality limits the institution's ability to investigate a particular matter. An institution may take steps to limit the effects of the alleged Sexual Misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Examples include: providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing the institution's policies on Sexual Misconduct; and conducting climate surveys regarding Sexual Misconduct.

Procedures for Institutional Disciplinary Action

If the respondent is a Nicholls State student, complainants are encouraged to file a formal complaint with the Office of Conduct and Accountability. If the respondent is a Nicholls State employee, complainants are encouraged to file a formal complaint with Human Resources or the Title IX Coordinator. Individuals are not required to file a police report or pursue criminal charges in order to pursue a formal complaint with Conduct and Accountability or Human Resources. Mediation through informal resolution or other means is never appropriate in sexual misconduct or relationship violence cases, but may be pursued in sexual harassment cases.

The Student Policy and Procedure Manual: Standards of Conduct and the University Employee Policy and Procedure Manual are both designed to provide a prompt, fair, and impartial investigation and resolution. All hearings are conducted by members of the Nicholls State community who receive annual training on issues related to relationship violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of complainants and promotes accountability.

The primary adjudicator at Nicholls State when the respondent is a student is the Director of Conduct and Accountability, Dr. Tommy Ponson (985-448-4525). This individual also determines sanctions in cases that do not go through the Discipline Committee and recommends sanctions for cases that do. The primary adjudicator who also determines sanctions at Nicholls when the respondent is an employee is the Director of Human Resources, Mr. Steven Kenney (985-448-4041) or Compliance Officer in Human Resources, Ms. Patti Rasberry (985-448-4050). Should either the complainant or the respondent feel that any of the individuals involved in this process present a potential conflict of interest should provide a written statement to the primary adjudicator within 10 work days of the hearing. If the conflict of interest is with the adjudicator him/herself, the written request should be presented to the Title IX Coordinator or Dean of Students.

During any disciplinary proceedings the complainant and respondent are entitled to the same opportunity to have others present, including the opportunity to be accompanied to any related meetings or proceedings by any individual (i.e. confidential advisor, family member, friend, community advocate, etc.) of their choice, excluding individuals who will serve as witnesses. However, these individuals will not be allowed to directly participate in the process by addressing or being addressed by the primary adjudicator or the committee members, witnesses, or the other party.

Both the complainant and the respondent shall be notified of any scheduled hearing. Both parties shall have the opportunity to present witnesses and other evidence. Note that questions or evidence about the complainant's prior sexual conduct with anyone other than the respondent is prohibited. Additionally, Evidence of prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct. During any hearing proceeding, complainant and respondent shall not be allowed to directly question, examine, or cross examine each other. A full list of complainants' rights and respondents' due process rights can be found in the Student Policy and Procedure Manual: Standards of Conduct and the University Policy and Procedure Manual.

Both the complainant and the respondent will simultaneously be informed in writing of the outcome of the disciplinary proceeding within 10 business days; the procedures for the respondent and the complainant to appeal the results; any change in the results that occurs prior to the time results become

final; and when the results become final. The institution will not require either party to abide by a nondisclosure agreement, in writing or otherwise.

The standard of evidence used in institutions of higher education is different from criminal justice system. At Nicholls State University the standard of evidence shall be whether it is *more likely than not* (also known as *preponderance-of-the-evidence*) that the respondent committed the violation charged.

Sanctions for students found responsible for committing the violation charged include but are not limited to restricted access to campus activities and organizations, restrictions from residence halls, community service, rehabilitative education, suspension, and expulsion. The final level of sanctions imposed will be consistent with the severity of the violation and the respondent's past violations of the code of conduct. Similarly, sanctions for employees found responsible for violating University policy include but are not limited to letter of reprimand, restricted access to campus events, suspension, and termination. Additionally, the adjudication process may result in accommodations or situational remedies for the complainant and/or remedies for the broader campus community.

Both parties may choose to appeal the decision of the primary adjudicator or Committee. Detailed explanations of procedures related to appeals including grounds for appeal, standard of review, the entity who will decide appeals, and time parameters can be found in the Student Policy and Procedure Manual: Standards of Conduct and the Employee Manual.

The full detailed policy and proceedings contained in the Student Policy and Procedure Manual: Standards of Conduct can be found at <https://www.nicholls.edu/sja/student-conduct-handbook/>. The full detailed policy and proceedings contained in the Employee Manual can be found at <https://www.nicholls.edu/policy-procedure-manual/>

Prohibition of Retaliation

Retaliation against an individual who in good faith complains of sexual misconduct or provides information in an investigation about sexual misconduct is strictly prohibited and will be considered a violation of the Student Policy and Procedure Manual: Standards of Conduct or Employee Policy and Procedure. As such, consequences of retaliation will be implemented as per the respective policies. Any student or employee submitting a sexual misconduct complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment and/or academic standing, nor discriminated against, terminated, or expelled because of the complaint.

Amnesty Policy

Any student who reports in good faith sexual misconduct of any kind shall be provided amnesty for nonviolent Code of Student Conduct violations committee by him/herself in association with the reported sexual misconduct. An example of this policy is underage drinking by the complainant or witness that might be revealed in the course of the report or investigation.

Complainant Rights & University Responsibilities

Once it has come to the attention of the University that a violation of the Student Code of Conduct or Employee Policy related to sexual assault, domestic or dating violence, or stalking has occurred specific efforts are made to support the health, safety, and well-being of both the complainant and the University community as a whole. In addition to the information provided in this document, students or employees who report that they have been a complainant of any of the aforementioned crimes will be provided with a written explanation of all of their rights and options as well as resources. All of the rights and responsibilities described below are implemented regardless of whether the complainant chooses to file criminal charges with law enforcement or pursue a formal complaint through the Student Code of Conduct or Employee Policy.

Protective Measures

There are options at the complainant's request for accommodations, providing such accommodations are reasonably available, to be made in campus living, academic environment, and on-campus employment environment to protect the complainant from encountering the respondent and to help ensure the complainant's safety. Stay-away orders may also be issued to the respondent by University Police or Conduct and Accountability. This assistance is available regardless of whether the complainant reports the crime to law enforcement, files informal complaint, or files formal complaint.

The University prohibits any kind of retaliation against anybody involved in a sexual assault, domestic or relationship violence, or stalking case. This non-retaliation policy is explained in this document and provided during the initial contact with all involved in the case.

The University is obligated to protect the entire campus community. Therefore, in some cases protective measures include issuing public safety alerts based on information provided by the complainant and/or any witnesses. The complainant's name and other personally identifiable information will not be included in public safety alerts.

Support Services

The following services are available immediately to any student involved in sexual misconduct: on- and off-campus resources, including but not limited to local advocacy, counseling, health and mental health services, as applicable. These support services will be offered regardless of whether the complainant chooses to formally report the incident. Contact information for this purpose is below.

Confidentiality

Nicholls State University will preserve the confidentiality of a complainant to the extent allowed by law. The degree to which confidentiality can be protected depends on certain factors.

The Person Receiving the Report

Privileged professionals who have legally protected roles include University Counseling staff when acting in their clinical role; University Health Services staff when acting in their clinical role; and Clergy. This means that if an individual reports that they have been a complainant to one of these privileged professionals, that professional cannot and will not disclose the information to any other individual or office without the complainant's consent except under circumstances that require disclosure under the laws governing each profession (e.g. imminent threat of danger to self or others). Designated trained Confidential Advisors are also available to university students. Other faculty/staff, including some student staff, are required to report such violations to the University Police and/or Title IX Coordinator. However, the complainant's name or identifying information is not required in these mandated reports. A third category of individuals includes those who must report all information related to the report to the Title IX Coordinator and/or designated campus official responsible for overseeing sexual misconduct complaints. Please see list of each of these categories of individuals in [Reporting Procedures](#) section.

Balance of Legal Obligations

The University fully understands the impact of confidentiality of complainants and exercises genuine sensitivity to the privacy concerns of complainants. However, this must be balanced with legal obligations which include

- The responsibility to protect the entire University community from predators: In some cases Public Safety Alerts must be issued associated with the crime. These Alerts will not contain any of the complainant's identifying information.
- The responsibility to hold perpetrators accountable and insure that appropriate disciplinary processes are implemented: Based on severity of the violation and the respondent's history of violations, investigative and/or disciplinary action may be taken by the University even if the complainant does not want to participate in the process. Every effort will be made to not include the complainant's identifying information and the complainants will be kept informed of the actions and the extent to which his/her identifying information was or was not able to be contained.
- Notification of parent/guardian of complainants in accordance with FERPA related to health.

Need to Know All records and files maintained by staff members involved in the process will only be shared with other professionals who are considered "need to know". That is, only staff members who required information related to the case in order to perform their duty related to the case will be provided with such information. All applicable laws are strictly adhered to including FERPA.

Public Records If a student chooses to file criminal charges, the initial police report is public record; however, all identifying information about the complainant is removed. During the investigation no information is accessible to anyone except the complainant. Closed investigation are available upon request which is reviewed by a superior officer. If the request is approved, all identifying information about the complainant is removed from the documents.

Other Services Available for Complainants/Survivors

All services listed below are available to complainants regardless of whether or not he/she chooses to report the incident to law enforcement.

On Campus

[University Counseling Center](#)

[224 Elkins Hall](#)

[985-448-4080](#)

www.nicholls.edu/counseling

[University Health Services](#)

[Ayo Hall, 1st Floor](#)

[985-493-2600](#)

www.nicholls.edu/health

[Office of Crisis Management](#)

[Shaver Gym \(Student Access Suite\)](#)

[985-448-4468](#)

www.nicholls.edu/crisis-management

[Dean of Students/Associate Vice President for Student Affairs](#)

[102 Picciola Hall](#)

[985-448-4081](#)

www.nicholls.edu/services

[University Police](#)

[Police Station \(across from softball field\)](#)

[985-448-4746](#)

www.nicholls.edu/police

[SGA Rights and Grievances](#)

[Student Union SGA Suite](#)

[985-448-4557](#)

www.nicholls.edu/sga

Off Campus

[Emergency ~ 911](#)

[The Haven](#)

[Rape Crisis and Domestic Violence Services, Advocacy, and Shelter](#)

800-777-8868 (Crisis Line)

<http://www.havenhelps.org/>

[Louisiana Coalition Against Domestic Violence State Hotline](#)

888-411-1333

<http://lcadv.org/>

[Thibodaux Regional Medical Center](#)

Emergency Medical Attention; Evidence Collection

985-447-5500

[Terrebonne General Medical Center](#)

Emergency Medical Attention; Evidence Collection

985-873-4141

[Lafourche Parish Sheriff's Office](#)

Law Enforcement and Complainant Advocacy & Reparation Services

985-448-2111

[Thibodaux Police Department](#)

Law Enforcement

985-446-5021

[Terrebonne Parish Sheriff's Office](#)

Law Enforcement

985-876-6500

To locate Law Enforcement in other areas of Louisiana go to <http://www.usacops.com/la/>

To locate Rape Crisis centers in other areas of Louisiana got to <http://www.lafasa.org/> or call 888-995-7273

To locate Domestic Violence agencies in other areas of Louisiana go to <http://lcadv.org/> or call 225-752-1296

Other Related Information

Campus Climate Survey

As per BoR and ULS Policy and in accordance with ACT 172, each institution will administer a campus climate survey annually to their students with the intention of assessing campus safety and identify vulnerabilities. This will be coordinated by the BoR and institutions will be required to submit results of the survey to the BoR. Nicholls State University may supplement the statewide survey by collecting additional information that can be utilized to develop prevention and intervention strategies appropriate for its institution.

Prevention and Awareness Programs

Nicholls State University offers annual education and prevention programs that include, but are not limited to: (a) awareness programs; (b) bystander intervention programs; (c) ongoing prevention and awareness campaigns; (d) primary prevention programs; and (e) education on risk reduction. Each institution must provide and document all training programs.

Coordination with Local Law Enforcement

University Police, in accordance with BoR and ULS Policy as well as best practices, has established agreements with local law enforcement agencies that enhance the coordination of training, information sharing in investigations, evidence preservation, and responsibilities. A copy of the MOU describing these factors in detail is maintained in University Police.

Inter-campus Transfer Policy

If a student accused of a sexually-oriented criminal offense seeks to transfer to another institution during an investigation, the institution shall withhold the student's transcript until such investigation or adjudication is complete and a final decision has been made. If the student is found responsible for sexually-oriented criminal offenses upon the completion of such investigation and/or adjudication and seeks to transfer to another institution, institutions are required to communicate such a violation, when the institution becomes aware of the student's attempt to transfer, with the institution(s) to which the student seeks to transfer or has transferred.

History/Revisions of this Policy Statement

Origination Date: June 20, 2014

Original Approval by President's Council: July 7, 2014

Revised by Title IX Coordinator: September 11, 2015 (*pending Cabinet and BoR approval*)

Notification of December, 2015 BoR approval: June 15, 2016

Revised by Title IX Coordinator: June 15, 2016

Revised by Title IX Coordinator: July 1, 2019

Nicholls State University

Tobacco Free Campus Policy and Procedure To Be Effective: January 1, 2011

I. Purpose

The purpose of this policy and procedure is to provide guidelines for the implementation of a policy on the prohibition of tobacco use on the campus of Nicholls State University.

II. Background and Rationale

Nicholls State University is committed to providing a safe and healthy environment for students, faculty, staff, and visitors. The U.S. Surgeon General has concluded that the only way to fully protect oneself from the dangers of secondhand smoke is through 100% smoke-free environments (*The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*, U.S. Department of Health and Human Services, 2007). In 2007, Louisiana took major steps toward addressing the health concerns caused by second-hand smoke by passing the Louisiana Smoke Free Air Act. This policy puts students, employees, and visitors first by providing a safe, healthy, tobacco-free environment and decreasing exposure to second hand smoke.

III. Policy

- a. The use of any tobacco product in any form (smoking or chewing) is prohibited effective January 1, 2011.
- b. This applies to all students, faculty, staff, contractors and visitors *on all* Nicholls State University properties including the main Nicholls campus, Duhe Building, Chauvin Garden, etc.

B. Definition: Tobacco is defined as all tobacco - derived or containing products, including, but not limited to, cigarettes (clove, bidis, kreteks), cigars and cigarillos, pipe, hookah-smoked products, and oral tobacco (spit and spitless also known as smokeless, dip, snus, chew, snuff, orbs, etc.), *e-cigarettes, water pipes, and all non FDA approved nicotine products.*

- C. The use of tobacco products is prohibited at all times:
 - i. In all interior space on Nicholls State main campus and all satellite locations;
 - ii. On all outside property or grounds of Nicholls State campus
 - iii. In all Nicholls State vehicles;
 - iv. In all indoor and outdoor athletic facilities;
 - v. In all personal vehicles while parked on Nicholls State University property

D. All tobacco industry promotions, advertising, marketing, and distribution in any format are prohibited on campus properties and for campus activities as will be direct funding from tobacco companies for such programs.

E. The sampling and/or sale of tobacco products and tobacco related merchandise (including logo containing items) is prohibited on all university property and at university and student organization/group sponsored events, regardless of the operating vendor.

F. Organizers and attendees at campus events such as, but not limited to, conferences, meetings, lectures, social events, cultural events and sporting events using Nicholls State facilities will be required to abide by the tobacco-free policy and procedure. University offices responsible for reserving facilities shall be responsible for informing organizers of events. Organizers of such events are responsible for communicating the policy to attendees and for enforcing this policy.

G. Littering the campus with remains of tobacco products or any other disposable product is prohibited.

IV. Procedure

A. General Education and Awareness

The implementation of this policy will be augmented by an education and awareness campaign that may include but not limited to;

Notification to prospective students in both print and electronic formats.

Notification to all incoming students at all Orientation programs.

Training of all supervisors on their governance responsibilities related to this policy prior to implementation of policy.

Notification to new staff/faculty hires through new employee orientation.

A tobacco policy awareness statement will be signed by all current and new employees.

Notification to all current students in both print and electronic formats.

Notification at Faculty institute.

Notification in University Studies courses.

Posting of policy and/or link on appropriate web sites.

Involvement of Student Government Association.

Meetings conducted with key departments, programs, etc..

Informational meetings, postings, and e-mail notification.

Publication of policy in Faculty/Staff Handbook, Student Code of Conduct, Student Organization Handbook, student employee handbooks.

Promotion and advertising of ongoing campus smoking cessation programs.

Promotion and awareness of local, state and national cessation resources.

Notification in facility reservation process to all outside entities who use facilities or grounds for events

Ensure that all publications indicate Nicholls State University is a Tobacco Free Campus.

Ensure that all Nicholls State University job postings contain information about the tobacco-free environment.

Development and mass distribution of Nicholls State University Tobacco-Free Campus brochure

B. Permanent Visual Communication of Policy

Signs bearing the message “Tobacco-Free Campus” will be posted at each of the vehicular and pedestrian entrances, as well as other key traffic areas throughout the campus, and each building will display a decal that states “Tobacco Free Facility”. However, tobacco free zones apply on the grounds around the campus, whether or not a sign is posted in a particular area. *No ashtrays will be provided on campus.*

C. Tobacco Use Cessation Programs

The university is committed to support all students and employees who wish to stop using tobacco products. Assistance to students, faculty and staff is available through Human Resources and Student Services. Please contact either of these departments for information regarding on and off campus cessation programs and services. Students may contact University Health Services for information regarding medications associated with cessation some of which are covered by student health insurance. Employee health insurance does not cover such medication.

D. Compliance

The success of this policy will depend on the thoughtfulness, consideration, and cooperation of tobacco users and non-tobacco users. It is the responsibility of all members of the Nicholls State University community to comply with the Tobacco-Free Campus Policy as with all other university policies. Members of our campus community are empowered and expected to professionally and respectfully inform others about the policy in an ongoing effort to enhance awareness and encourage compliance. Furthermore, employees and student leaders are expected to serve as role models for the entire campus community. Violations of the policy will be handled in a manner that is consistent with university procedures.

E. Enforcement

Complaint Reporting Procedure:

As per University Policy and Procedure and Student Code of Conduct (section 2.46.15) violators of University policies are subject to appropriate disciplinary action up to and including applicable dismissal procedures.

Any member of the Nicholls community may and is expected to identify violators of the Nicholls State University Tobacco Free policy. Support will be provided by University Police and Environmental Health & Safety Office, Judicial Affairs, Human Resources, and any supervisor for those who are not comfortable addressing the violation him/herself.

It is the responsibility of supervisors to facilitate compliance among all employees under their supervision. As with any University policy Supervisors will support and play an active role in the enforcement of this policy.

In addition to the following general statements about reporting, specific reporting guidelines can be found in *Appendix A*.

Employee Violators

Complaints about employee violators of this policy should be brought to the attention of a supervisor, University Police, Environmental Health and Safety, or Human Resources. Any and all complaints received by U.P., EH&S, or a supervisor should be forwarded to Human Resources.

Student Violators

Complaints about student violators of this policy should be brought to the attention of Judicial Affairs, University Police, or Environmental Health and Safety. All complaints received by U.P. or EH&S should be forwarded to Judicial Affairs.

Visitor Violators

Offices responsible for reserving facilities will establish procedures for enforcing policy when violations involve visitors who are participating in events associated with their office. Complaints about campus visitor violators should be brought to the attention of the office responsible for the event or University.

Sanctions:

Sanctions for student violators will be addressed by Judicial Affairs and for employees by Human Resources. Consequences of violating the policy represent a range of sanctions that could include but are not limited to verbal warning, written documentation/warning, and dismissal/expulsion proceedings for both employees and students. See *Appendix C* for more information about sanctions.

V. Policy and Procedure Review

This policy and procedure will be reviewed annually by the Alcohol and Other Drug (AOD) Committee. Specific responsibility for completing revisions and associated outreach will be maintained by a subcommittee consisting at minimum of the a) the individual responsible for tobacco free funding (TFL grant), b) Judicial Affairs, c) Student Services, d) Human Resources, e) Environmental Health and Safety.

Appendix A

Complaint Reporting Procedure Information

Guidelines

Employee Violations

1. Anyone identifying an employee violation will
 - a. Report it to a supervisor; or
 - b. Report it to Human Resources; or
 - c. Report it to Environmental Health and Safety
 - d. Report it to University Police
2. Supervisors, University Police, and Environmental Health and Safety will forward all reports received by their office to Human Resources
3. Human Resources will request that the reporter complete an incident form
 - a. Guidance will be provided by HR as this form may be completed on paper or online

Student Violations

1. Anyone identifying a student violation will
 - a. Obtain full name and/or ask for their Nicholls identification card; **and**
 - b. Report the incident to Judicial Affairs, University Police, or Environmental Health and Safety
 - c. Contact University Police when
 - i. The violator is noncompliant; **or**
 - ii. It is outside of normal university business hours
 - d. Contact Environmental Health and Safety when
 - i. The individual is not comfortable ascertaining the students name; **and**
 - ii. It is during normal university business hours
2. University Police and Environmental Health and Safety will forward all reports received to Judicial Affairs
3. Residence Hall staff will be responsible for addressing all violations with residence hall students while on or around residence hall property including but not limited to parking lots, walkways, courtyards, building entrances and exits, by
 - a. Reminding the person of the policy; **and**
 - b. Requesting immediate compliance with policy; **and**
 - c. Obtaining full name and/or asking for their Nicholls identification card; **and**
 - d. Completing online violation form
4. Staff for other facilities and programs will be responsible for addressing violations there (i.e. union staff, athletics) and expected to enforce the policy following the basic procedures in this document and the detailed procedures created for their particular facility or program.

Visitor Violators

1. Anyone identifying a visitor violation associated with an event will
 - a. Contact university police; **or**
 - b. Contact office responsible for the event the in which the visitor is participating
2. Anyone identifying a visitor violation not associated with an event will contact University Police
3. Visitors who do not comply will be removed from campus at the discretion of University Police

Documentation of Violations

A form will be completed in paper or online for each violation that occurs. Assistance and direction from Human Resources and Judicial Affairs will be available. This form:

1. May be completed online or on paper
2. Be forwarded to Judicial Affairs or Human Resources
3. Maintain a record of each violation
4. Allow for monitoring of repeat violators

Appendix B

General Role of University Police and Environmental Health and Safety

University Police will

1. Respond to
 - a. Observed violations while on patrol at any time both during and outside of normal business hours
 - b. Requests for assistance after normal university business hours
 - c. Incidents where violator's behavior is of concern or there is noncompliance
2. Give violators preprinted card with resources and policy reminder
3. Forward violation information to Human Resources or Judicial Affairs

Environmental Health and Safety will

1. Respond to
 - a. Observed violations at any time while one campus
 - b. Requests for assistance during normal university business hours
2. Give Violators preprinted card with resources and policy reminder
3. Forward violation information to Human Resources or Judicial Affairs

Appendix C

Sanctions

Students

Sanctions for student violators will be addressed by Judicial Affairs Director. Sanctions will follow a progressive format for all reported violations.

1. First Violation: Violator will
 - a. Receive a verbal warning through Judicial Affairs and a resource/policy reminder card
2. Second Violation: Violator will
 - a. Be placed on disciplinary probation **and**
 - b. Any other disciplinary action as per the Code of Conduct (students) to be determined by Judicial Affairs.
3. Third Violation: The violator will be charged with violation of probation and appropriate actions will be pursued including applicable dismissal procedures.

Note: The University reserves the right to consider mitigating factors that may influence the process to make it stricter or more lenient depending on the particular circumstances.

Employees

Violators of University policies are subject to disciplinary action up to and including applicable dismissal proceedings. Progressive discipline sanctions will be implemented through the following general format that includes but is not limited to:

1. First Violation: Violator will
 - a. Receive verbal warning through his/her supervisor with the assistance of Human Resources
2. Second Violation: Violator will
 - a. Receive written warning/reprimand from his/her supervisor with the assistance of Human Resources
3. Third Violation:
 - a. Applicable dismissal proceedings will be conducted and facilitated by Human Resources with the involvement of the violator's supervisor.

Note: The University reserves the right to consider mitigating factors that may influence the process to make it stricter or more lenient depending on the particular circumstances.

Visitors

Visitors found in violation of the policy will be requested to comply. Those who do not comply will be asked to leave campus. Repeat violators may also be banned from campus. See *Appendix A* for information regarding reporting visitor violations.

POLICY ON PUBLIC SPEECH, ASSEMBLY AND DEMONSTRATIONS

Nicholls State University views free speech as fundamental to democracy and the mission of higher education. Nicholls State is committed to the lawful expression of ideas on our campus by students, administrators, faculty, staff and invited guests in accordance with state law, and the policies of the University of Louisiana System which include reasonable time, place and manner restrictions.

POLICY

- Nicholls State University shall strive to ensure the fullest degree of intellectual freedom and free expression.
- It is not the responsibility of Nicholls State to shield individuals from speech protected by the First Amendment of the US Constitution and Article I, Section 7 of the Constitution of Louisiana, and other applicable laws, including without limitation ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.
- Students and faculty have the freedom to discuss any topic that presents itself, as provided under the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana and other applicable laws permit and within the time, place, and manner of expression that are consistent with this policy and that are necessary to achieve a significant institutional interest.
- Students and faculty may assemble and engage in spontaneous expressive activity as long as such activity is not unlawful and does not materially and substantially disrupt the functioning of the institution, subject to the requirements of this policy.
- Any person lawfully present on campus who wishes to engage in noncommercial expressive activity at Nicholls State shall be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the institution.
- Protests or demonstrations should not infringe upon the constitutional rights of others to engage in or listen to expressive activity by creating a substantial or material disruption to the functioning of the institution or to someone's expressive activity.
- The public areas of Nicholls State University are traditional public forums and are open on the same terms to any speaker.
- Nicholls State University will not deny a belief-based student organization any benefit or privilege available to any other student organization, or otherwise discriminate against a belief-based organization, including any requirement that the leaders of the organization:
 - Affirm and adhere to the organization's sincerely held beliefs.
 - Comply with the organization's constitution.

- Further the organization's mission or purpose, as defined by the organization.

TIME, PLACE, AND MANNER RESTRICTIONS

- Demonstrations or protests may not block ingress or egress to roadways, buildings, exterior patios, plazas, walkways, or gathering spaces.
- Demonstrations and protests should take place at least 150 feet from academic buildings during academic hours to avoid disrupting the academic functions of the university.
- Sound systems and amplification devices may only be used in areas and during hours that will not disrupt the academic and administrative functions of the university.
- Restricted areas of the campus, may not be used for demonstrations or protests.
- Interior rooms and spaces must be reserved using that facility's reservation methods and be used for that facility's purpose.
- Harassment, threats, and expressions directed to provoke and likely to produce imminent lawless actions are prohibited.

REGISTRATION & PREFERRED LOCATIONS

The safety of members of the Nicholls State community and visitors to the campus is paramount. To maintain safety and security, to minimize risks of harm and to minimize conflict with academic processes, the university has designated two preferred locations for demonstrations and protests. Preferred locations are:

- Free Speech Alley in front of Bollinger Student Union
- Flag Pole in the Elkins Hall Parking Circle

To better provide safety and security to students, administrators, faculty, staff, and visitors, Nicholls State University requests that demonstrations and protests be registered with the Vice President for the Student Affairs at least 24-48 hours in advance.

FREE SPEECH VIOLATIONS

Should you feel that your rights to free expression have been violated, you may seek relief by contacting the Vice President for the Student Affairs or other appropriate university personnel.

STANDARDS

Standards for Activities and Events

- 1) *Pre-Game activities (including tailgate activities) will be limited to the designated areas.*
- 2) *Consumption of alcohol at any activity is limited to persons who are of legal age (21+). All consumption will be limited to the designated activity area. 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. Appropriate university discipline action to be taken by the university, and the person will also be issued a summons by University Police or an administrator. Refusal to do so will result in eviction from the campus grounds, and appropriate university discipline action to be taken.*
- 3) *The following are prohibited during activities /events with alcohol:*
 - a) *Drinking games*
 - b) *Funneling*
 - c) *Common containers (kegs, etc.)*
 - d) *All glass containers (bottles, cups, pitchers, etc.)*
 - e) *Walking around with beer cans or hard liquor bottles*
 - f) *Any other activity judged by university staff as inappropriate is prohibited.*
 - g) *Pets (except for Assistance, Service or Emotional Support Animal)*
- 4) *Groups and individuals are required 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 may result in eviction from the campus grounds for the remainder of the calendar day and appropriate follow-up actions will be taken.*
- 5) *Nicholls students must present their Colonel Card gain admission into all activities and events. 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 Conduct and Accountability for appropriate follow-up discipline action to be taken by the university.*
- 6) *All persons entering an activity or event 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 or activity. 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.*

- a) *Cups, containers, ice chests, etc. may not be brought into the event.*
 - b) *Food and/or beverage of any kind may not be brought into the stadium and/or gym. Once inside, any person found in possession of said items brought in from outside will be evicted and may not re-enter for the remainder of the calendar day in which the event is held.*
-
- 7) *Individuals or groups engaging in inappropriate or disruptive behavior will be directed by Student Affairs 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.*
-
- 8) *Music (Band, Disc Jockey, etc. must contain language or speech that is not construed as vulgar, profane or hateful.*

Alcohol Standard

Nicholls State 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 University is also committed to maintaining a safe, healthful environment that supports its educational mission. The misuse and abuse of alcoholic beverages by its students, faculty, staff and their guests interferes with the accomplishment of this mission. More specifically, the abuse of alcohol (1) negatively impacts the life and well-being of citizens; (2) interferes with student learning, student retention, and student graduation; (3) generates a cost to the University through personal injury, crimes, property damage, and risk management; and (4) negatively affects the image of the University. Because Nicholls State University seeks to create a social environment that enhances learning, the following values with regard to alcohol will be upheld: (1) abstinence, as an option, is always supported and should never be discouraged; (2) although moderate and legal alcohol use may be permitted, the drinking of alcohol is never encouraged; (3) abusive consumption of alcohol is always discouraged; and (4) participation in illegal behaviors involving alcohol is not tolerated

Furthermore, inappropriate behaviors and associated negative consequences of alcohol misuse will not be tolerated. All persons on campus regardless of their status (e.g., students, faculty, staff and guests) must adhere to the Nicholls State alcohol policies herein.

The following principles will guide the University's policy regarding the use of alcohol and other drugs (on or off campus):

1. Students, faculty and staff are expected to take full responsibility for their own choices and behavior.
2. Alcoholic beverages may not be possessed, distributed, served, or consumed on campus by persons under the age of 21. Proof of age shall be required at the time of purchase, entry into the event, or at any time of the event, including during consumption. Proof of age may be requested by any authorized University or law enforcement officials.
3. Abstinence, as an option, is always supported and should never be discouraged.
4. Activities and functions without the consumption of alcohol are to be promoted.
5. The campus food service contractor is the licensed vendor for alcoholic beverages on campus. The serving and/or consumption of alcoholic beverages will not be allowed at events open to the public.
6. Heavy consumption of alcohol is discouraged.
7. All persons on campus regardless of their status (e.g., students, faculty, staff and guests) must adhere to the Nicholls State alcohol policies herein.
8. Assistance for alcohol misuse or abuse is to be provided through education, counseling, and referral.

On-Campus Confidential Contacts:

| | | | |
|--------------------|--------------|-----------------------|--------------|
| Counselling Center | 985-448-4080 | Human Resource Office | 985-448-4041 |
| Health Services | 985-493-2600 | | |

All student organizations, groups and/or teams serving or permitting alcoholic beverages at any campus event must (1) use the designated University food service contractor for cash bar service, (2) use one of

the University's designated sites and (3) have University Police on duty throughout the function. Nicholls State Police Department requires at least 10 days advance notice. Thibodaux City Police or Lafourche Parish Sheriff Departments (Off-Campus Events) may only be used with the permission of Nicholls Police Department. The University reserves the right to determine the number of officers and other security measures required for an activity. Organizations that fail to arrange security through Nicholls Police Department, or that fail to arrange payment for security in a timely manner are subject to University sanctions, including the loss of the privilege to have events.

Definitions

1. Alcohol: Beer, wine, or distilled spirits (liquor) as defined by state law.
2. Authorized Vendors/Servers: University food service contractor
3. Possession: Any situation in which an individual is or reasonably can be assumed to be holding, drinking, or transporting an alcoholic beverage. The totality of the circumstances, including the presence of alcoholic beverage containers and the number of people present under age 21, may indicate evidence of possession.
4. University Approved Sites: Sites designated by the University as approved locations for the service and consumption of alcohol whether as a part of a closed event, a fixed retail food and beverage operations or as professionally catered events. Approved sites: Colonel Club, Student Union (excluding Snack bar area), Football Stadium (excluding field), Baseball Field (excluding diamond), and tailgate area. The President of the University must approve all other.
5. Special Permission: Written permission from the University President for alcohol to be possessed, distributed, served, or consumed at any location other than the approved sites.

General Policies

The serving, possessing, and consuming of alcoholic beverages on the campus of Nicholls State University may be done only in accordance with the provisions of the State and local laws and ordinances, and applicable University regulations. The following University policies shall apply:

1. Alcoholic beverages may not be possessed, distributed, served, or consumed on campus by persons under the age of 21. Proof of age shall be required at the time of purchase, entry into the event, or at any time of the event, including during consumption. Proof of age may be requested by any authorized University or law enforcement officials.
2. 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.
3. 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. (Note: An event becomes open to the public once it is posted on social media).
4. Beverage containers may not be brought into any event nor may they be taken out of the event.
5. 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.

6. Hosting organization(s) and/or members will be held responsible for any damages to University or the designated University food service contractor owned property by the member(s) and/or guest(s) of the organization(s) during the time of the event, including set-up and clean-up.

Residential Living

Alcohol may be possessed/consumed by persons at least 21 years-of-age only in private rooms/apartments unless the entire facility is designated as alcohol-free. Alcohol is not permitted in the lobby, public areas, and immediately adjacent property of campus residences except when a special permission has been granted.

Sale, Purchase and Cost of alcohol on campus

1. Alcohol may not be distributed free-of-charge by an alcohol company or distributor at any university event or under any other circumstances on campus.
2. Alcohol may not be sold on campus by an alcohol wholesaler or distributor.
3. University units may not distribute alcohol free-of-charge to the general public (i.e. persons not members of the groups or their specifically invited guests).
4. Alcoholic beverages may not be furnished as an award or prize.
5. Nicholls funds may not be used to purchase alcoholic beverages.

Serving of Alcohol at Social Events (On or Off Campus)

1. The vendor/server is responsible for assuring that no person under the age of 21 is served alcohol.
2. Alcoholic beverages are to be served as an adjunct to social events and may not be the primary focus of the event. For this reason, non-alcoholic beverages and food shall be available.
3. All alcohol will be stored and legally dispensed in a designated service area within the approved site. The supply of alcoholic beverages must not be accessible to anyone except the server.
4. The sponsoring organization is responsible for ensuring that members and invited guests display responsible behavior. To that end:
 - a. It is prohibited to host an event where there is explicit or implicit pressure or an expectation for anyone to consume alcohol, or where there is no diversion from drinking alcohol, or where lewd, abusive or sexually degrading behavior occurs in conjunction with alcohol consumption.
 - b. Activities or events which encourage rapid drinking, drinking games, or drunkenness are prohibited.
 - c. Obvious intoxicated persons shall not be admitted or served alcohol at activities or social events.
 - d. Engaging in such high-risk activities or events may be considered aggravating circumstances if corrective measures are necessary.

In addition to the above regulations, the following policies shall apply:

1. The following rules apply when alcohol is served at an event hosted by a registered student organization:
 - a. Organizations wishing to hold a social event (on or off campus) with alcohol must have all new members and at least 75% of active members present at the Risk Management training sponsored by the University. This educational program is presented by the University.
 - b. All registered student organizations wishing to hold social events at which alcohol may be served must have an advisor present during the entire event.
 - c. No cover charge or admission charge shall be imposed at social events at which alcoholic beverages are served nor may alcohol be provided free in return for the purchase of another item (i.e. cup), and groups may not sell alcohol to participants (only Authorized Vendor/Servers may do this).
 - d. Open source containers (e.g. kegs, party balls, trash cans, and punch bowls with an alcoholic beverage) are never permitted.
 - e. Individuals determined to be eligible to consume alcoholic beverages must be identified with a non-removable wrist band.
 - f. If an organization has received special permission for a function to occur in a residential facility, alcohol must be confined to the public areas of the building and grounds. Guests of the function are not allowed to enter the private living areas of the facility during the function. In addition, members of the organization may not drink alcohol in the private living areas of the facility during the social function nor bring alcohol into the function from their private living quarters.
 - g. Individuals may not return to a social function after they have exited the function and consumed alcohol while absent from the function
 - h. Alcohol may not be served at social events open to the public.
 - i. Student organizations may not accept donations of alcoholic beverages.
 - j. No student organization may promote and/or sell alcoholic beverages.
 - k. Alcoholic beverages may not be served at any fundraising activity, whether it occurs on or off campus.
 - l. 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.
 - m. 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.

- n. The designated University food service contractor shall refuse service to anyone who appears to be intoxicated.
- o. The designated University food service contractor reserves the right to discontinue service in the event of inappropriate actions by members or guests of the organization(s).
- p. 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.
- q. 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.
- r. The designated University food service contractor will discontinue service if directed to do so by the Director of Conduct and Accountability, Dean of Students or Director of Student Union (or other designated representatives).
- s. 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.

Regulations for Social Functions

Hours: Registered social functions involving the serving, possessing, or consuming of alcoholic beverages may not begin before 4:30 p.m. on Monday through Thursday and 3:30 p.m. on Friday. Registered social events must end by 1:00 a.m. Sunday through Thursday and 2:00 a.m. on Saturday and Sunday following events on Friday and Saturday. The administrator with whom the function must be registered may allow appropriate exceptions to the normally approved hours for social functions.

Tailgating

Allowed on campus before a home game in a manner and in areas deemed acceptable by the University. Consumption of alcohol is not advised. Anyone under the age of 21 possessing/consuming alcohol, or anyone giving alcohol to an underage person, will be subject to arrest. Individuals determined to be eligible to consume alcoholic beverages must be identified with a non-removable wristband. Under no circumstances will any alcoholic beverages be permitted to be brought into Guidry Stadium other than at University Approved Sites. Anyone found in possession of alcohol entering the stadium is subject to being ejected without a refund of ticket price and will be subject to arrest. This provision does not allow the staging of events that would otherwise not be permitted.

Persons representing Nicholls State University off-campus or who reasonably could be construed as doing so (e.g., at conferences, seminars, competitions, performers, study abroad, other

activities/events) must behave legally and responsibly regarding the use of alcohol, abiding by the laws and policies of the states and/or institutions where they are visiting. The University may take action against individuals who engage in off-campus consumption of alcohol when it has negatively impacted or threatened to negatively impact the University's mission or activities or the health, safety, or welfare of the University community.

PLEASE NOTE: Students are encouraged to follow these suggestions:

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

Hazing Prevention Standards

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. Furthermore,

Nicholls State University adheres to the University of Louisiana System Policy (Effective: 8/23/18), The Louisiana Board of Regents Uniform Policy on Hazing Prevention and upholds all LA statutes related to hazing. Student organizations and/or individual members found to have engaged in hazing shall be in violation of the Nicholls State University Standards of Conduct and [Louisiana Statute R.S. 14:40.8](#).

Purpose

1. To maintain a safe learning environment that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the Nicholls State University and Louisiana Law and are prohibited at all times. No student, faculty member, employee or administrator, guest, contractor or volunteer shall plan, direct, encourage, aid or engage in hazing.
2. to assist with preventing hazing;
3. to encourage reporting which is the responsibility of every member of the university community;
4. to accept the personal obligation to adhere to the basic community values of being civil, and respectful of others;
5. to protect the safety and rights of students; and
6. to preserve the educational environment.

Definitions

1. **Hazing** is defined as any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against an individual that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are or include students at an educational institution, including but is not limited to:
 - a. The person knew or should have known that such an act endangers the physical health or safety of the other person or causes severe emotional distress.

- b. The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in or maintaining membership in any organization.

Hazing includes but is not limited to any of the following acts associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization:

- ❖ Physical brutality, such as whipping, beating, paddling, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity.
- ❖ Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- ❖ Activity involving consumption of food, liquid, or any other substance, including but not limited to, an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- ❖ Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

It is important to note that physical activity that is normal, customary, and necessary for a person's training and participation in an athletic, physical education, military training, or similar program sanctioned by the postsecondary education institution is not considered "hazing."

2. **Organization** is a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose members are primarily students at, or former students of, a postsecondary education institution, including the national or parent organization of which any of the underlying entities provided for in this definition is a sanctioned or recognized member at the time of the hazing.
3. **Pledging** is any action or activity related to becoming a member of an organization, including recruitment and rushing.
4. **Appropriate authority**
 - a. Any state or local law enforcement agency.
 - b. A 911 Public Safety Answering Point as defined in Title 33 of the Louisiana Revised Statutes of 1950.
 - c. Emergency medical personnel.
5. **Reckless behavior** is an activity or behavior in which a reasonable person knew or reasonably should have known that the activity or behavior may result in injury to another, including but not limited to, excessive consumption of alcohol, binge drinking, drag racing, consumption of any controlled dangerous substance, acts of hazing, or other similar activity.
6. **Serious bodily injury** is bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, death, or a substantial risk of death.

Reporting Requirement

In accordance with ACT-382, (1) The Board of Regents, in consultation with the public postsecondary education management boards, shall develop the following: (a) A standardized form that organizations shall use in making the reports required. (b) A standardized form that institutions shall use to document such reports, reports made to law enforcement as provided in R.S. 14:40.8, and the manner in which each hazing incident is handled and resolved at the

institution level. (2) it shall be the duty of all current and potential student organization members, pledges, officers, including any representative, director, trustee, or officer of any national or parent organization of to report, as soon as practicable under the circumstances, to the Office of Student Conduct and to law enforcement that one or more members of the organization's members were hazing another member. An education institution that receives a report alleging the commission of an act or acts of hazing by one or more members of an organization that is organized and operating at the education institution (a) shall report, as soon as practicable under the circumstances, the alleged act or acts to the law enforcement agency having jurisdiction in the place where the alleged act or acts of hazing occurred. The information reported to law enforcement shall include all details received by the institution relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing. (b) Document in writing all actions taken with regards to the report, including but not limited to the date the report was received, reports made to law enforcement as provided in R.S. 14:40.8, and any other information relative to the institution's investigation processing and resolution of the incident Any education institution who fails to comply with the provisions of this Paragraph may be subject to a fine of up to ten thousand dollars. R.S. 17:1801(C)

Duty to Seek Assistance

In accordance with Act 637 of 2018, codified at [R.S. 14:502](#) A. (1) any person at the scene of an emergency who knows that another person has suffered serious bodily injury shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the injured person. Reasonable assistance includes immediately seeking or reporting the need for medical assistance from an appropriate authority. (2) Any person who engages in reckless behavior that results in the serious bodily injury of any person shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the person. Reasonable assistance includes immediately seeking or reporting the need for medical assistance from an appropriate authority.

B. For purposes of this Section:

(1) "Appropriate authority" includes:

(a) Any state or local law enforcement agency.

(b) A 911 Public Safety Answering Point as defined in Title 33 of the Louisiana Revised Statutes of 1950.

(c) Emergency medical personnel.

(2) "Reckless behavior" means an activity or behavior in which a reasonable person knew or reasonably should have known that the activity or behavior may result in injury to another, including but not limited to excessive consumption of alcohol, binge drinking, drag racing, consumption of any controlled dangerous substance, acts of hazing, or other similar activity, including activity which is defined as a criminal offense under this Title.

(3) "Serious bodily injury" means bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, death, or a substantial risk of death.

C. (1) Except as provided in Paragraph (2) of this Subsection, any person who violates the provisions of this Section shall be fined not more than one thousand dollars, imprisoned with or without hard labor for not more than one year, or both.

(2) If the serious bodily injury results in the death of the person, any person who violates the provisions of this Section shall be fined not more than two thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

Hazing Education

Not later than August 1, 2018, the Board of Regents shall develop and adopt a uniform policy on hazing prevention. The policy shall define hazing as defined in R.S. 17:1801. Each postsecondary education institution shall adopt the uniform policy developed by the Board of Regents. An institution may expand the definition of hazing to prohibit additional behaviors it determines may be dangerous but shall not otherwise amend the definition.

1. Each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process in the form of a handbook.
2. Beginning in the fall semester of 2019, each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process either in person or electronically.
3. If the student receiving the information required in this sub section is a minor that information shall also be provided to his parent or legal guardian.
4. Each organization as defined in R.S. 17:1801 shall provide annually at least one hour of hazing prevention education to all members and prospective members. The education may be provided in person, electronically, or both. Each organization shall submit a report annually to the institution with which it is affiliated relative to the students receiving such education evidenced by an attestation of the student receiving the education.

Sanctions

1. Organizations and Affiliates

- a. If an organization has taken disciplinary action against one of its members for hazing or has reason to believe that any member of the organization has participated in an incident of hazing, the organization shall report the incident as soon as practicable under the circumstances to law enforcement and the institution with which it is affiliated. The information shall be reported on the Hazing Reporting Form and shall include all details received by the institution relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing.
- b. If an organization or any of its members has been disciplined by a parent organization for hazing, the organization shall report the hazing for which the organization was disciplined to the institution with which it is affiliated.

- c. If any person serving as a representative or officer of an organization, including any representative, director, trustee, or officer of any national or parent organization of which any of the underlying entities as recognized in Section III B of this Policy is sanctioned or recognized member at the time of the hazing, knew and failed to report to law enforcement that one or more of the organization's members were hazing another person, the organization may be subject to penalties under [R.S. 14:40.8](#).

2. Students

- a. Any student who violates the provisions of Acts 635, 637 and 640 of the 2018 Regular Session of the Louisiana Legislature and this Policy shall be expelled, suspended, or dismissed from the institution and not permitted to return for at least one semester, quarter, or comparable academic period and may be subject to criminal charges.
- b. Consent is not a defense. It is not a defense to prosecution of an offense that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.
- c. Any student who fails to seek assistance as defined by the law and this Policy shall be subject to penalties outlined in [R.S. 14:40.8](#).

Using the Hazing Reporting Form report hazing to any of the following administrators/offices:

| | | | |
|-------------------------------|-----------------|-------------------------------------|----------------|
| *University Police Department | (985) 448-4911 | Dean of Students | (985) 448-4081 |
| Coordinator of Greek Life | (985) 448- 4527 | *Director of Conduct Accountability | (985) 448-4531 |

**Denotes Mandatory Reporting*

POSTERS, ANNOUNCEMENTS, AND BULLETIN BOARDS

The following is a checklist of procedures with reference to the posting of notices on university bulletin boards (including digital), building doors, containers, light posts, trees, and sidewalks.

1. Posters/flyers must provide information regarding student activities, give information of an academic nature, make announcements pertinent to the business of the university, or supply information to members of the Nicholls community regarding available campus services or products.
2. Posters/flyers must state the name of the sponsoring organization, business, department, or person responsible.
3. As appropriate for the surface, staples, thumbtacks, magnets, masking tape, or transparent tape may be used to attach posters/flyers to approved bulletin boards or posting areas. The use of glue, nails, and duct tape or any other heavy-duty tape is prohibited.
4. Posters/flyers must never be attached to doors, windows, trashcans, entryways, exteriors of buildings, interior walls, stairway railings, floors, benches or ceilings, nor may they be placed on the windshields of parked automobiles or on sidewalks
5. Posters/flyers shall NOT be attached or affixed to any tree or utility pole.
6. Posters/flyers (and the fasteners used to attach them) must be removed within three days after the advertised event.
7. All posters/flyers may be periodically removed from bulletin boards as part of routine maintenance.
8. Posters/flyers shall NOT advertise alcohol, drugs or tobacco.

Approval Authority

The Director of Compliance will review all signs/advertisement prior to being posted. The placement of the signs will be guided by the above policy and approved as follows:

- 1) General Campus and General Bulletin Board – Director of Compliance
- 2) Department Bulletin Boards – Department Representative
- 3) Greek Hallway – Coordinator of Greek Life
- 4) Residential Living – Director of Residential Living
- 5) Student Union Building – Director of Student Union
- 6) Table Tents – Campus Dining
- 7) Electronic images may be posted to monitors throughout the Student Union and campus once the appropriate approval to post is received..

Approval must be obtained by the University Safety Officer prior to digging any holes in the ground for the placing of standing signs. Any holes made in the ground for the purpose of placing signs must be properly refilled after the signs have been removed.

Important Web Addresses

Academic Affairs

<https://www.nicholls.edu/academic-affairs/>

Student Affairs

<https://www.nicholls.edu/student-affairs/>

College of Business

<https://www.nicholls.edu/business/>

Dietetics

<https://www.nicholls.edu/allied-health-sciences/dietetics/>

Financial Aid

<https://www.nicholls.edu/financial-aid/>

Graduate Student

<https://www.nicholls.edu/graduate/>

Health Services

<https://www.nicholls.edu/health/>

Information Technology (IT)

<https://www.nicholls.edu/information-tech>

International Students

<https://www.nicholls.edu/international/immigration-policies-and-procedures/>

Library

<https://www.nicholls.edu/library/>

Mass Communication (MACO)

<https://www.nicholls.edu/maco/>

Nursing

<https://www.nicholls.edu/nursing/>

Office of Residential Living

<https://www.nicholls.edu/housing/>

Parking

<https://www.nicholls.edu/parking/>

Student Access Center

<https://www.nicholls.edu/student-access-center/>

Student Organizations

<https://www.nicholls.edu/organizations/>

Student Union

<https://www.nicholls.edu/union/>

Teacher Education

<https://www.nicholls.edu/education/teacher-education/>

Federal Educational Rights and Privacy Act (FERPA)

Protection against Improper Disclosure

Information about student views, beliefs, and political associations that employees acquire as instructors, advisors, and counselors is considered confidential. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge and consent of the student.

Protection of Student Records

A. The student's permanent educational record remains a personal document, and its contents are revealed only under rigid regulations as specified in the Family Educational Rights and Privacy Act (known as FERPA or the Buckley Amendment), 20 U. S. *Code* 1232g, 20 *Code* of Federal Regulations Part 99. Academic transcripts contain information concerning the academic status of the individual; disciplinary records are maintained separately from academic records in order to prevent simultaneous disclosure. No records are available to unauthorized persons either inside or outside the academic community without the express consent of the student involved (or his or her legal guardian in the case of a student who is a minor).

B. Civil authorities must present an order of the court to have access to these records. Staff and faculty should respect confidential information about students which they acquire in the course of their work. Students should likewise exercise extreme caution in the circulation of information about fellow students that does not have a direct bearing upon their academic performance. The student has the right to obtain a copy of his or her academic transcript from the Office of Student Records.

FORMS

Sexual Offense Incident Report

This form is intended to convey information needed to track the University's response to the incident being reported, as well as to assess the danger the incident represents to the University community at large. All efforts must be made to maintain the victim's anonymity; no information should be included which might identify the victim. **The victim may refuse to answer any or all items on this form: However, the report that a sexual offense occurred must be made.** This form is to be forwarded to Associate Vice President of Student Affairs/Dean of Students, Picciola.

PART I This information will be used for educational, statistical and preventative purposes.

Reporter's name Department Phone

Date of report Date of discussion with victim

Victim's age Academic year Sex

Date of incident Time of incident

Was the absence of consent due to the victim's being incapacitated by?

Alcohol Yes No

Other drugs Yes No

Other

Describe the nature of the relationship between the victim and the assailant(s) prior to the incident (check one):

Stranger Spontaneous date (i.e., met at party) Planned first date

Friend/non-romantic acquaintance Romantic acquaintance/ongoing date Relative

Other departments or agencies to which the victim reported or plans to report this offense:

Residential Services

Campus Police

Counseling Center

Local Police

Student Life

VP for Student Affairs

Health Services

Other:

Does want to file charges with police

Does **not** want to file charges with police

Plans to report incident for University judicial proceedings

Does **not** plan to report for University judicial proceedings

PART II Although the victim's anonymity will be maintained if she/he chooses not to file charges, the following information may be used (a) in a campus alert in accordance with the Campus Security Act and/or (b) by the University Police.

Occurred on campus? Yes No

If the offense occurred on campus, indicate where:

Residence hall Other campus building Outdoors Automobile
Which hall Which building Where

Describe the sexual offense (check one):

- Sexual contact (fondling, kissing, petting, but not penetration) without consent
- Intercourse (oral, anal, or vaginal penetration by penis or other object) without consent
- Other (describe):

Describe the kind of pressure of force used by the assailant: (check all that apply)

- None
- Verbal pressure or arguments
- Position of authority (boss, teacher, supervisor, etc.)
- Threat of physical force (threatened to hit, hold, or otherwise injure)
- Actually used physical force (hit, held victim down, twisted arm, etc.)
- Gave victim alcohol or drugs so victim was significantly incapacitated
- Weapon
- Other:

Number of assailants:

Describe: Sex Race Age Height Weight

Role of assailant(s) on campus (check):

Student Faculty Staff Other No campus role

Name of assailant(s):

HAZING REPORT FORM FOR INSTITUTIONS

NOTE:

1. This standardized form, developed by the Board of Regents pursuant to Act 382 of 2019, is to be used by postsecondary institutions to report to law enforcement, as soon as practicable, any information received by any official at the institution regarding incidents of hazing.
2. This report contains unredacted information, as required by Act 382 of 2019. Subsequent use and disclosure of this report remains subject to applicable laws and regulations, including the Family Educational Rights and Privacy Act and the Health Insurance Portability and Accountability Act.

| INFORMATION ABOUT INSTITUTION | | | |
|--|------|---|---|
| Name of Institution | | | |
| Name of Affiliated Organization(s) Relevant to the Incident | | | |
| Full Name and Title of Contact Official at the Institution | | | |
| Address | | | |
| Phone Numbers | Home | Cell | Work |
| INFORMATION ABOUT PERSON(S) INVOLVED IN THE INCIDENT (USE ADDITIONAL FORMS FOR EACH PERSON INVOLVED) | | | |
| Full Name | | | |
| Attending Institution | | | |
| Affiliated Organization (Member or Pledge) | | | |
| Home Address | | | |
| Phone Numbers | Home | Cell | Work |
| INFORMATION ABOUT THE INCIDENT | | | |
| Date of Incident | Time | Police Notified | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Location of Incident <input checked="" type="checkbox"/> On campus | | <input checked="" type="checkbox"/> Off- campus | |
| Specific Location | | | |
| Description of Incident (what happened, how it happened, individuals involved, factors leading to the event, etc.) Be as specific, complete and accurate as possible and do not redact any information known to the institution official(s) (attached additional sheets if necessary) | | | |
| Were there any witnesses to the incident? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach separate sheet with names, addresses, and phone numbers. | | | |
| Was anyone injured? If so, identify the individual and describe the injury (e.g. laceration, sprain, etc.), location of injury (e.g. upper arm, shoulder), and any other information known about the resulting injury | | | |
| Was medical treatment provided? <input checked="" type="checkbox"/> Yes If <input type="checkbox"/> No <input checked="" type="checkbox"/> Refused yes, where was treatment provided: <input type="checkbox"/> on site <input checked="" type="checkbox"/> Urgent Care <input type="checkbox"/> Emergency Room <input type="checkbox"/> Other | | | |
| REPORTER INFORMATION | | | |
| Individual Submitting Report (print name) | | | |
| I hereby affirm that the information contained in this report is complete and accurate to the best of my knowledge. Signature: _____ Date Report Completed: _____ | | | |

FOR OFFICE USE ONLY

Report Received by _____ Date _____

DOCUMENT ANY FOLLOW-UP ACTION TAKEN AFTER SUBMISSION OF THE INCIDENT REPORT

| Date | Action Taken | By Whom |
|------|--------------|---------|
| | | |
| | | |
| | | |
| | | |
| | | |

HAZING REPORT FORM FOR ORGANIZATIONS

NOTE: This standardized form, developed by the Board of Regents pursuant to Act 382 of 2019, is to be used by organizations affiliated with postsecondary institutions to report any information received by the organization regarding incidents of hazing.

Organizations must send this report to law enforcement and the affiliated institution as soon as practicable.

This report contains unredacted information, as required by Act 382 of 2019. Subsequent use and disclosure of this report remains subject to applicable laws and regulations, including the Family Educational Rights and Privacy Act and the Health Insurance Portability and Accountability Act.

| INFORMATION ABOUT ORGANIZATION | | | | |
|--|------|---|------|--|
| Name of Organization | | | | |
| Affiliated Institution | | | | |
| Name of Affiliated Parent or National Organization | | | | |
| Full Name and Title of Contact Official at the Organization | | | | |
| Address | | | | |
| Phone Numbers | Home | Cell | Work | |
| INFORMATION ABOUT PERSON(S) INVOLVED IN THE INCIDENT (USE ADDITIONAL FORMS FOR EACH PERSON INVOLVED) | | | | |
| Full Name | | | | |
| Affiliated Organization (Member or Pledge) | | | | |
| Home Address | | | | |
| Phone Numbers | Home | Cell | Work | |
| INFORMATION ABOUT THE INCIDENT | | | | |
| Date of Incident | Time | Police Notified <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Location of Incident <input checked="" type="checkbox"/> On campus <input type="checkbox"/> Off- campus | | | | |
| Specific Location | | | | |
| Description of Incident (what happened, how it happened, individuals involved, factors leading to the event, etc.) Be as specific, complete and accurate as possible and do not redact any information known to the institution official(s) (attached additional sheets if necessary) | | | | |
| Were there any witnesses to the incident? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach separate sheet with names, addresses, and phone numbers. | | | | |
| Was the individual injured? If so, identify the individual and describe the injury (e.g. laceration, sprain, etc.), location of injury (e.g. upper arm, shoulder), and any other information known about the resulting injury | | | | |
| Was medical treatment provided? <input checked="" type="checkbox"/> Yes If <input type="checkbox"/> No <input checked="" type="checkbox"/> Refused yes, where was treatment provided: <input type="checkbox"/> on site <input checked="" type="checkbox"/> Urgent Care <input type="checkbox"/> Emergency Room <input type="checkbox"/> Other | | | | |
| REPORTER INFORMATION | | | | |
| Individual Submitting Report (print name) | | | | |
| I hereby affirm that the information contained in this report is complete and accurate to the best of my knowledge. Signature: _____ Date Report Completed: _____ | | | | |

FOR OFFICE USE ONLY

Report Received by _____

Date _____

Student Academic Grievance Form

Informal Procedures: (must be initiated within 60 calendar days of the alleged incident)

1. This form is to be used by students who wish to initiate an academic grievance, that is, students who feel that they have been treated unfairly with respect to an academic matter or who wish to appeal a grade and who have attempted to resolve the matter with the instructor.
2. Students may request assistance with the grievance process from the SGA Director of Student Rights and Grievances. The SGA Office is located in the Student Union. The telephone number is 985-448-4557, email is SGA.Grievances@nicholls.edu
3. If the matter is not resolved with the instructor, the student may pursue the issue by completing this form and submitting it to the department head within 90 calendar days of the alleged incident. If the matter is resolved with the instructor, the student is encouraged to keep this form for his/her records.

Grievance Information:

Name of Student: _____

Local Telephone Number: _____

Nicholls Email Address: _____

Type of Grievance (check one) Grade Appeal Unfair Treatment

Name of Instructor: _____ Course (if applicable) _____

Please provide a written description of the Grievance (attach to this form):

- A. detailed description of the nature of the grievance;
- B. description of the informal procedures taken by the student to resolve the matter, including date student met with instructor;
- C. description of documentary evidence to be used in support of the grievance (copies should be attached if available), and
- D. Remedial action requested by the student.

TO BE COMPLETED BY DEPARTMENT HEAD:

Date student submitted copy of grievance form to department head: _____

Date student met with department head: _____

Matter satisfactorily resolved with department head: ____yes* ____ no

*Forward this completed form and all documents to the Academic Affairs Integrity File located in the Office of Academic Affairs.

4. If the matter is not satisfactorily resolved, the student may request a hearing on the matter submitting a copy of the grievance form to the Academic Dean within 6 months of the alleged incident.

Formal Procedures: (Formal grievances must be filed within 6 months from the date of the alleged incident)

TO BE COMPLETED BY DEAN:

Date grievance form submitted to Dean of the College: _____

Date Dean provided student a copy of the formal grievance procedures: _____

Date grievance referred to Chair of College Academic Grievance Committee: _____

Date of Committee Hearing: _____

*Forward this completed form and all documents to the Academic Affairs Integrity File located in the Office of Academic Affairs.

5. Either party may appeal the decision of the Academic Dean by submitting a petition to the Vice President for Academic Affairs. The petition must be filed with the Vice President within 10 days of the date of the Academic Dean's letter of notification. The appeal must be based on one or more of the following:

- A. Published procedures were not published;
- B. There was insufficient evidence to support the decision;
- C. Sanctions imposed were inappropriate;
- D. Subsequent to the hearing, information was discovered which indicates that member(s) of the committee were not impartial

*Forward this completed form and all documents to the Academic Affairs Integrity File located in the Office of

TO BE COMPLETED BY VICE PRESIDENT FOR ACADEMIC AFFAIRS:

Date grievance form and petition received by Vice President for Academic Affairs: _____

Date grievance forwarded to Chair of Academic and Policies Committee: _____

Date Committee forwarded findings and recommendations to Vice President: _____

Academic Affairs.

6. The student or the faculty member may appeal the decision of the Vice President for Academic Affairs by submitting a petition to the President for review and recommendation by the President's Executive Council Appeals Committee within 10 days of the date of the letter from the Vice President for Academic Affairs.

TO BE COMPLETED BY PRESIDENT'S OFFICE:

Date petition received by President: _____

Date findings and recommendations from President's Executive Council Appeals Committee received by President: _____

The Decision of the President is final.*

*Forward this completed form and all documents to the Academic Affairs Integrity File located in the Office of Academic Affairs.

Reporting Form for Academic Dishonesty to Academic Affairs Integrity File

For all cases of violations to the Academic Integrity Policy, please complete and return this form to the Academic Dean (who will then forward it to the Vice President for Academic Affairs in the Office of Academic Affairs).

Please Print Clearly or Type

| | | | |
|---|--|-------------------------|--|
| Reporting Date | | Date of Incident | |
| Student's Name | | | |
| Student's ID# | | | |
| Faculty's Name | | | |
| Department | | | |
| Faculty Phone | | Faculty Email | |
| Course Name | | number/section | |
| Detailed Description of Incident | | | |
| Date of Conference with Student | | | |

Faculty Action or Recommended Action: Use AT for action taken or RA for recommended action

| | | | |
|-----------------------|---------------------------|--|---|
| | "F" in course | | Lower grade on the assignment/paper |
| | "F" or zero on assignment | | Written reprimand from Academic Dean placed on student's record |
| | Re-do assignment/paper | | |
| | Tutoring | | Lower final course grade |
| Other, please specify | | | |

Student signature acknowledges student awareness of his/her right to file an academic grievance as per Code of Student Conduct.

Student intends to file an academic grievance as per Code of Student Conduct?

Yes No Undecided

| | |
|---|-------------|
| _____ | _____ |
| Student Signature* | Date |
| _____ | _____ |
| Signature of person reporting incident | Date |
| _____ | _____ |
| Academic Dean Signature | Date |

Academic Dean must forward this report and all pertinent documentation to the Academic Affairs Integrity File in the Office of Academic Affairs. Academic Affairs will forward copy to Nicholls athletic compliance officer if student is a student athlete.

*Student signature acknowledges receipt of a copy of this report and that student has been apprised of his/her rights stated in Section 5 of the Code of Student Conduct and particularly that the faculty member is required to file a record with the Office of Academic Affairs whenever a student is confronted and/or disciplined for cheating ([Reporting Form for Academic Dishonesty](#)). If student refuses to sign reporting form person reporting incident should duly note such in space provided for student signature. Documentation of student receipt of copy of form via email may also be attached in lieu of student signature. 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.

Office of Student Life

P.O. Box 2007
Thibodaux, LA 70310
985.448.4525
Fax: 449.7139



ACADEMIC DISHONESTY / DISRUPTION REPORT

Instructor's Letter of Notification to the Student

Student's Name _____

NSUID # _____

Date of Incident _____

Course Name _____ Course # _____

Section # _____

Evidence indicates that you violated the Academic Integrity section of the Student Policy and Procedure Manual. In accordance with #10 of Possible Sanctions of the Student Policy and Procedure Manual, I have

____ Assigned you the grade of "zero" for this assignment

____ Assigned you the letter grad of "F" for this semester

____ Other (Specify) _____

Explanation of Incident: _____

Print/Type Instructor's Name and Office No. Completing Report

Instructor's Signature

Date

Student's Signature

Date

Acknowledging receipt of report is not an admission of being responsible.

Student: If you wish to appeal this decision, please refer to the Academic Integrity (Appeal Procedures) Section of the Student Policy and Procedure Manual.

Instructor: **Forward one copy of this form to the department head, give one copy to the student and keep one copy for your records**

Important Contact Information

| | | |
|---|---|--|
| Anonymous Crime Report | https://www.nicholls.edu/police/frequently-asked-questions/anonymous-crime-report/ | |
| Anonymous Hazing Report | https://www.ulsystem.edu/hazing/ | |
| Behavioral Crises | Dr. Monique Boudreaux | (985) 448-4468 |
| Conduct and Accountability | Dr. Tommy Ponson | (985) 448-4525 (985-448-4531 (985) 448-4022 |
| Interim Vice President for Student Affairs and Dean of Students | Dr. Michele Caruso | (985) 448-4022 |
| University Counselling Center | Ms. Adrienne Naquin-Bolton | (985) 448-4080 |
| University Health Services | Ms. Adrienne Naquin-Bolton | (985) 493-2600 |
| Student Access Center | Ms. Heidi Dupree | (985) 448-4430 |
| Student Engagement | Ms. Sabrina Laurent | (985) 493-2746 |
| Title IX Coordinator (Faculty and Staff) | Mr. Steven Kenny | (985) 448-4050 |
| Title IX Coordinator (Student) | Dr. Michele Caruso | (985) 448-4022 |
| University Police Department | Chief Craig Jaccuzzo | (985) 448-4911 (Emergency) (985) 448-4746 (985) 448-4012 |
| Provost and Vice President for Academic Affairs | Dr. Sue Westbrook | (985) 448-4012 |

Contact (985) 448-4783 or visit www.nicholls.edu/ada for (ADA) accommodations

Nicholls State University frequently takes or commissions photography and video taping of student, faculty and staff as well as campus visitors. Nicholls reserves the right to use these photographs and videotapes as part of its publicity and marketing efforts.



The Student Policy and Procedure Manual shall be reviewed at least every two (2) years. In situations where a timely revision is necessary due to changes in federal or state laws, revisions will be completed without delay.