



Nicholls State University

OFFICE OF TITLE IX & CIVIL RIGHTS COMPLIANCE

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Title IX – Notice of Rights

The following summarizes the rights granted to the parties in the Title IX Process, per the Nicholls State University Sexual and Interpersonal Misconduct Policy.

Fair Process: Right to a fair and equitable investigation and resolution of all sexual and interpersonal misconduct allegations after a Formal Complaint.

Respect: Right to be treated with respect throughout the grievance process.

Advisor: Right to an advisor of choice during all stages of the Title IX Process. An Advisor may conduct questioning (cross-examination) during a hearing.

Supportive Measures: The right to receive supportive measures regardless of whether a Formal Complaint is signed. Supportive measures include, not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Law Enforcement: Right to be informed of on an off-campus law enforcement options and to be assisted in reporting to law enforcement. Additionally, the right to not be forced, coerced, or pressured into reporting to law enforcement.

Presumed Not Responsible: Right for the Respondent to be presumed not responsible until a determination regarding responsibility.

Formal Complaint: Right for a Complainant to sign a Formal Complaint, or a Formal Complaint that is signed by the Title IX Coordinator.

Written Notice: Right to receive written Notice of Allegations which includes

- Notice of the party's rights and options
- Notice of Nicholls' grievance process
- Notice of Nicholls' informal resolution process and options
- Notice of the allegations of Sexual Harassment including:
 - The identities of the parties involved in the incident, if known,
 - The conduct allegedly constituting Sexual Harassment, and
 - The date and location of the incident, if known.
- Notice that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- Notice that the parties may have an advisor of their choice, who may be, but is not required to be an attorney, and that the advisor may inspect and review evidence as explained in the Sexual and Interpersonal Misconduct Policy.

- Notice of the Nicholls State University Code of Conduct provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

Informal Resolution: Right to request an informal resolution (when the matter does not involve an employee Respondent and a student Complainant) after a Formal Complaint has been signed but not be pressured, forced, or coerced into an informal resolution process.

Sufficient Notice: Right to receive sufficient notice of any meeting or interview, including the names of individuals who will be in attendance at the interview or meeting and the reason for the meeting.

Provide Information and Witnesses: Right to provide investigator(s) with information to review and present witnesses for the investigator(s) to interview.

Inspect and Review Evidence: Right to inspect and review evidence and information directly related to the allegations and the opportunity to provide a written response within ten (10) days to the investigator.

Investigative Report: The right to be provided with an investigation report that fairly summarizes the relevant evidence obtained during the investigation at least ten (10) days prior to a hearing with an opportunity to respond to the investigation report in writing.

Hearings: The right to a live hearing for all formal complaints of sexual harassment that have not been dismissed or resolved by informal resolution. At the request of either party, or at the discretion of the Title IX Coordinator, the live hearing may occur with parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the other party or witnesses answering questions.

Closed Meetings: The right for all meetings, interviews, and hearings to be closed to the public.

Challenge Impartiality or Bias of Title IX Officials: The right to challenge the impartiality or bias of the Title IX Coordinator, investigator(s), or decision-maker(s).

Preponderance of the Evidence: The right for the allegations to be resolved using a preponderance of the evidence standard.

Present: Right to be seen and heard in person, or via technology, during all the hearing and including the right to see and hear the opposing party.

Questions: Right to ask questions of the opposing party and witnesses through an Advisor at the hearing.

Written Determination: Right to receive a written determination after the hearing which includes:

- Identification of the allegations potentially constituting Sexual Harassment;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Sexual and Interpersonal Misconduct Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions that Nicholls State University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to Nicholls' education program or activity will be provided by Nicholls to the Complainant; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

Final Resolution: Right to be informed when the determination becomes final

Appeal: Right to appeal the written determination or the dismissal of a Formal Complaint.

Any questions regarding these rights should be directed to the Title IX Coordinator, Erica Moorer Taylor at titleix@nicholls.edu 985-448-4557.