Table of Contents

INTRODUCTION **2**
VALUES 2
CONDUCT JURISDICTION 3
KNOWLEDGE OF STANDARDS 3
DEFINITIONS & TERMINOLOGY 3
GENERAL INFORMATION **4**
INSTITUTIONAL AUTHORITY 4
ACADEMIC AFFAIRS 5
AMNESTY 5
APPLICATION OF STUDENT POLICY & PROCEDURE MANUAL 6
SANCTIONABLE MISCONDUCT **6**
SPECIAL POLICIES & PROCEDURES **13**
ALCOHOL POLICY 13
AMERICANS WITH DISABILITIES ACT 19
EQUAL OPPORTUNITY AND ANTI-DISCRIMINATION 21
FERPA – FEDERAL EDUCATION RIGHTS AND PRIVACY ACT 21
HAZING PREVENTION STANDARDS 22
POLICY ON PUBLIC SPEECH, ASSEMBLY AND DEMONSTRATIONS 27
TIME, PLACE, and MANNER **27**
DEFINITIONS **29**
NON-ENDORSEMENT/NON-GUARANTEE **29**
VIDEO/AUDIO TAPING **29**
SANCTIONS **30**
FREE SPEECH VIOLATIONS **30**
PREGNANT AND PARENTING STUDENTS POLICY 30
TAILGATE POLICY 34
TITLE IX AND POWER-BASED VIOLENCE 38
TOBACCO FREE CAMPUS 39
ADMINISTRATION OF CONDUCT PROCEDURES **41**
OVERVIEW OF PROCESS 41
STUDENT RIGHTS & DUE PROCESS AT THE Student Conduct and Accountability COMMITTEE LEVEL 45
STUDENT RESPONSIBILITIES 45
FERPA NOTIFICATION 47
STUDENT CONDUCT AND ACCOUNTABILITY COMMITTEE 48
SANCTIONS **48**
IMPORTANT FORMS & RESOURCES **50**
IMPORTANT WEB ADDRESSES 50

REPORTING FORMS 51
APPENDIX **52**
APPENDIX C: Colonel CARE Team 52
APPENDIX D: Academic Grievance Grade Appeal Procedure 55
APPENDIX E: General Student Complaint Process 58
Student Complaints and Their Resolution 58

INTRODUCTION

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 that support and encourage the development of good character and responsible citizenship.

Acceptance of admission to 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, 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, 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.

VALUES

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

CONDUCT JURISDICTION

The Dean of Students 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 Dean of Students is primarily responsible for day to day implementation of the Student Policy & Procedure Manual which includes Student Conduct Procedures. An Academic Dean is responsible for handling issues that relate to violations of Academic Dishonesty, Plagiarism, or disruptive behavior related to classroom or academic activity.

KNOWLEDGE OF STANDARDS

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.

DEFINITIONS & TERMINOLOGY

The following definitions and terminology are important for understanding and following the guidelines listed herein this manual:

- **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. An academic dishonesty violation falls under the jurisdiction of Academic Affairs or is managed by the Academic Affairs department.

- **College Academic Grievance Committee** – Committee charged with hearing cases involving academic dishonesty, disruptive behavior related to classroom or academic activity, or unfair treatment with respect to an academic matter.

- **Dean** - Ordinarily refers to the Student Judicial Officer or designee; however, it also applies to other Staff/Faculty assigned administrative or judicial duties. In cases of academic dishonesty or disruptive behavior related to classroom or academic activity, Dean refers to the Academic Dean of the College which offers the course.

- **Disciplinary Action** – Action taken as a result of procedures followed for the hearing and or administrative disposal of matters related to violations of this Code of Student Conduct.

- **Discipline Committee** – Committee appointed by University President to hear cases involving suspendable offenses and to hear appeals of disciplinary action taken by the Dean of Students.

- **Student** - Any person enrolled at Nicholls State University (full and/or part-time), any person seeking admission or accepted for admission to the University.

- **Student Educational Records** - Any student record maintained by the University for the purpose of recording student accomplishments, discipline sanctions, participation in activities, etc.

- **University Employee** - Any person employed by the University including student employees and other persons employed to perform/provide services/activities for the University community (for example: contract food service employees, Region III, etc.).

- **University premises or related premises** - All lands, buildings, and facilities owned, leased, or controlled by the University.

- **Residence Facilities** - A University-owned or operated housing facility.

- **Regular University Operational Day** - A day on which the University is officially open (Monday through Friday except for official University closures).

GENERAL INFORMATION

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 or designee, shall oversee the operation of the student conduct system and administration of the Standards of Conduct. The Dean of Students or designee has 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 Dean of Students or designee shall determine the appropriate course of action for all alleged violations. In exceptional circumstances and in the Vice President of Student Affairs 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.

ACADEMIC AFFAIRS

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.

AMNESTY

Nicholls State University strongly encourages victims and individuals to report all Standards of Conduct violations, acts of discrimination, any 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 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 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.

APPLICATION OF STUDENT POLICY & PROCEDURE MANUAL

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 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 understand that online content, including blogs, web posts, chats, and social media interactions, are publicly accessible. Any evidence of policy violations posted online can lead to allegations of misconduct against the student. 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, most online speech by students not involving University networks or technology will be protected as free expression, with two notable exceptions:

- A true threat, is 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.

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 the 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 affects 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. Below is a list and description of the common sanctionable misconduct that students may be responsible for:

1. **Abusive conduct** – Abusive conduct includes any actions against one's self or others that cause physical injury, intimidate, harass, threaten, or otherwise unreasonably interfere 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** – Students and/or Registered Organizations of the Nicholls community are 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 politely and respectfully.

4. **Alcohol (unauthorized use and/or abuse)** – Nicholls State University is committed to upholding all local, state, and federal laws concerning the 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, and 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 their 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 the Wireless Network Policy, and Responsible Use Policy as published by Information Technology. A student is responsible for their actions and behaviors while accessing the Nicholls State University Internet technology network. A student may not have access to 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. 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 R.S. 14.73.7.

10. **Contract Cheating** –Students are prohibited from engaging a third-party to complete assignments. (Someone other than the student completes an assignment and the student then submits for credit). Including but not limited to:
    a. The student submitted work found online.
    b. The student hires another person to complete work.
    c. The student completed work for another student.

11. **Dating Violence**: Violence, including but not limited to sexual or physical abuse or the threat of such abuse, is 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. **Discrimination** – Students and Student Organizations are prohibited from making distinctions between human beings based on the groups, classes, or other categories to which they are perceived to belong.

13. **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 located in the Academic Integrity section.

14. **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.

15. **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.

16. **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

17. **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.
    a. **Felony or misdemeanor crime of violence committed:**
        i. By a current or former spouse or intimate partner of the complainant;
            1. By a person with whom the complainant shares a child in common;
            2. By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
            3. 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
            4. 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.

18. **Drugs and controlled substances** – Nicholls State University's 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.

    a. **The following rules shall be enforced with respect to student conduct regardless of the status of violation in any court:**
        i. 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.

ii. The distribution or merchandising of illegal drugs and/or controlled substances is prohibited and may result in dismissal and/or arrest.

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 disciplinary action up to and including disciplinary probation and/or residence hall dismissal, if applicable.

20. **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 their 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 their 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.

21. **Fireworks & combustibles** – Nicholls State University prohibits the possession of and/or use of fireworks or combustible materials; simulated or otherwise.

    a. **Louisiana law and University policy prohibit:**

        i. 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.

        ii. 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. These prohibitions also apply to the 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.

22. **Fraud** – Students are prohibited from submitting unauthentic paperwork (including but not limited to Doctor's excuse, obituary, tax papers, etc.).

23. **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 their 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.

24. **Hate Act** – Nicholls has an obligation to create and maintain a safe, inclusive learning environment for all members of the university community. As a public institution, we are bound by court rulings that expression, even hateful expression, cannot be punished based on its content or viewpoint alone. Hateful expression that constitutes a true threat, incitement to imminent lawless action, discriminatory harassment, or defamation is subject to sanction.

25. **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, teams 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 their 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 8.27.19 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.

26. **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.

27. **Natural Disaster/Pandemic** – Students and Student Organizations are expected to follow all posted guidelines throughout an emergency or pandemic (refer to the main website for specific emergencies and updates).

28. **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, witness, any board member or hearing officer, before, during, or after a conduct hearing, is prohibited.
    b. Denial or failure to meet with the Dean of Students or designee or other hearing officers 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

29. **Persistent misconduct** – Prior violations and sanctions may be 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.

30. **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.

31. **Property damage** – A student is prohibited from removing, destroying, or otherwise damaging the 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.

32. **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.

33. **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.

34. **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.

35. **Sexual Harassment**: As per the Louisiana Board of Regents, Sexual harassment means unwelcome sexual advances, request for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment or education, unreasonably interferes with an individual's work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment and has no legitimate relationship to the subject matter of a course of academic research.

36. **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 Title IX.

37. **Stalking:** 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, written, or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted. https://legis.la.gov/Legis/Law.aspx?d=78515

38. **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.

39. **Threats or Physical Aggression:** A student is prohibited from making threats or physical action that could inflict or seriously threaten injury or harm to a person. As defined under power-based violence this can include forms of interpersonal violence intended to control or intimidate another person through the assertion of power over the person.

40. **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).

41. **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 Dean of Students or designee may elect not to enforce this section of the rules against the student making the recording (Amnesty).

42. **Weapons** – Carrying a firearm, or dangerous weapon on campus property, at campus-sponsored functions, or in a firearm-free zone is prohibited and unlawful. Violators shall be subject to criminal charges and campus discipline, as stated in the University of Louisiana System Board of Supervisors' "Weapons on Campus Policy," dated October 29, 1999. Nicholls State University, as a member of the University of Louisiana System, is designated as a "firearm-free zone" according to Louisiana law R.S. 14:95.6.

SPECIAL POLICIES & PROCEDURES

ALCOHOL POLICY

Nicholls State University is committed to upholding all local, state, and federal laws concerning the 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 guests interfere 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. The possession, use, sale, distribution, or manufacture of alcohol shall be done only in accordance with the provisions of federal and state laws, local laws and ordinances, and University regulations, including this policy. Louisiana state law prohibits the purchase, public possession or consumption of any alcoholic beverage by persons under the age of 21.

Section I: Definitions

1. **Alcoholic beverage** means beer, distilled spirits, and wine containing one-half of one percent or more of alcohol by volume. Beer includes but is not limited to ale, lager, porter, stout, sake, and other similar fermented beverages brewed or produced from malt wholly or in part or from any substitute thereof. Distilled spirits include alcohol, ethanol, or spirits or wine in any form, including all dilutions and mixtures thereof from whatever process produced. RS 14:93.12 Obviously intoxicated persons shall not be admitted or served alcohol.

2. "**Public possession**" means the possession of any alcoholic beverage for any reason, including consumption, on any street, highway, or waterway or in any public place or any place open to the public, including a club that is de facto open to the public. RS 14:93.12
    a. Thibodaux City Ordinance 7-93.16. – Sale of alcoholic beverages and liquor on streets and sidewalks or in public is prohibited. No person shall sell alcoholic beverages or liquor on the streets, sidewalks or other public rights-of-way of the city, nor shall a person sell such alcoholic beverages or liquors from a window, door or other aperture facing a street or sidewalk or other public right-of-way within the city limits.

b. Possession of open containers containing alcoholic beverages and liquor in public is prohibited. No person shall carry or cause to be in their possession any open container which contains any alcoholic beverage or liquor while standing, walking, sitting or riding on the public streets or sidewalks of the city.
c. Exemption. There shall be exempted from this section the immediate area of any special event such as a fair and/or festival when sponsored by a nonprofit organization and when a permit has been granted by the city. Such permit shall specifically delineate the boundaries of the immediate area and the time period for which the special event is authorized to be held. The possession and/or consumption of alcoholic beverages in glass containers in conjunction with this exemption is prohibited. A signed copy of each such permit shall be furnished to the chief of police".

3. **Authorized Vendors/Servers:** The University food service contractor is Sodexo and 1948 Catering (Sodexo).

4. **Tailgating** is a unique campus event defined by its own standards and regulations. Tailgating is allowed on campus before a home game in a manner and in areas deemed acceptable by the University. Please refer to the Tailgate Policy as it relates to tailgating with alcohol.

5. **Open Event** – an event/activity where participation and attendance are not limited to members, individual dates/escorts, and/or their immediate family. (i.e. An event becomes open to the public once it is posted on social media).

Section II: Approved Facilities: Sale, Possession, and Consumption

The purpose of this section is to designate those areas on campus where legal consumption of alcohol will be allowed and to establish under what conditions group events may involve alcohol. This policy will apply to the sale, possession, or consumption of alcohol in or at any University-sponsored or registered event. For the purposes of this policy, all areas of the University are considered "public" places. The possession, consumption, sale, or furnishing of alcoholic beverages is prohibited except in those areas where such activities are specifically allowed.

A. Bollinger Student Union (excluding Snack Bar area)
B. Boucvalt Complex
C. Century Room
D. Didier Baseball Field (excluding diamond).
E. Guidry Stadium (excluding the playing field).
F. Softball Field (excluding diamond).
G. Tailgate area(s) (Point of reference only)
H. Residential Living (See section "B")
I. Other areas as specifically approved by the President or their designee.

Section III. General Policies

Nicholls State University is an educational institution dedicated to the pursuit of excellence, the promotion of academic achievement, and the advancement of knowledge. Because we are a University devoted to the intellectual, psychological, and physical growth of the campus community, it is incumbent upon the University to take steps to curtail the abusive or illegal use of alcoholic beverages. Educating and training our students about the effects and impact of misuse of alcohol will assist in accomplishing these goals. 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:

A. General

a. 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 University Official or law enforcement officials.

b. Alcoholic beverages may not be purchased with organizational or departmental funds nor may the purchase of the same for members or guests be undertaken or coordinated by any member, individually, or collectively.

c. BYOAB (Bring your own alcoholic beverage) events will not be allowed on campus.

i. Tailgating is the only exception.

d. 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.

e. The serving and/or consumption of alcoholic beverages will not be allowed at any event open to the public except tailgating.

f. Events involving the selling, serving, possessing, or consuming of alcoholic beverages may not begin before 5:00 p.m. and must end by 2:00 a.m. Events in which alcoholic beverages are being served cannot be scheduled longer than four (4) hours in length. The cash bar will be closed one hour before the close of the event.

g. Hosting individuals, organization(s), and/or members will be held responsible for any damages to the 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.

h. Individuals determined to be eligible to consume alcoholic beverages must be identified with a non-removable wristband. Wristbands are to be provided by the host.

i. Organizations may not accept donations of alcoholic beverages.

j. Organizations may not promote and/or sell alcoholic beverages.

k. 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.

l. 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.

m. Alcoholic beverages may not be served at any fundraising activity, whether it occurs on or off-campus.

n. Individuals may not return to a social function after they have exited the function.

o. Open source containers (e.g. kegs, party balls, trash cans, and punch bowls with an alcoholic beverage) are never permitted.

p. All water games are prohibited when alcohol is present. The list includes but is not limited to:

- **i.** Water fights
- **ii.** Water slides
- **iii.** Kiddy pools
- **iv.** Slip and Slides

B. Residential Living

a. 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 special permission has been granted.

C. Sale, Purchase, and Cost of alcohol on campus

a. Alcohol shall not be distributed free of charge by an alcohol company or distributor at any university event or under any other circumstances on campus.

b. Alcohol shall not be sold on campus by an alcohol wholesaler or distributor.

c. University units shall not distribute alcohol-free of charge to the general public (i.e. persons not members of the groups or their specifically invited guests).

d. Alcoholic beverages shall not be furnished as an award or prize.

e. Nicholls funds shall not be used to purchase alcoholic beverages.

D. Social events (On or Off-campus)

a. All student events must be approved by the Dean of Students or Designee located in the Dean of Students Office prior to being registered with the Reservations Office.

b. Organizations requesting to host a social event (on or off campus) must have all new members and at least 100% of active members complete the Risk Management training sponsored by the University. Organization members will receive an email from Scenario Learning/Vector Solutions in order to complete this online training. Through education and partnership with Scenario Learning/Vector Solutions to provide critical information about Consent, Bystander Intervention, Sexual Assault, Dating, and Domestic Violence, as well as

other practical guidance for preventing harassment and discrimination. These video-based programs will also include hazing awareness (warning signs, behavior, and bystander effects). These programs will help students better understand how vitally important these issues are and what they can do to help keep their learning environment safe and harassment-free. If you have technical difficulties with the program, please contact Vector Solutions directly through the program HELP button.

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. The vendor/server is responsible for ensuring that no person under the age of 21 is served alcohol.

e. Alcoholic beverages are to be served as an adjunct to social events and may not be the event's primary focus. For this reason, non-alcoholic beverages and food shall be available for the duration of the event.

f. 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.

g. The sponsoring organization is responsible for ensuring that members and invited guests display responsible behavior. To that end:

- **i.** It is prohibited to host an event where there is explicit or implicit pressure or an expectation for anyone to consume alcohol, where there is no diversion from drinking alcohol, or where lewd, abusive, or sexually degrading behavior occurs in conjunction with alcohol consumption.
- **ii.** Activities or events that encourage rapid drinking, drinking games, or drunkenness are prohibited.

E. Designated Food Service Contractor

a. The designated food service contractor reserves the right to refuse and or discontinue service for the following reasons (including but not limited to):

- **i.** Anyone who appears to be intoxicated.
- **ii.** Any inappropriate actions by members or guests of the organization(s).
- **iii.** If beverages other than those provided by the designated University food service contractor, are present.
- **iv.** If the approved University advisor leaves or refuses to assist with violations of the University Policies.
- **v.** If directed to do so by the Dean of Students or designee or Executive Director of Auxiliary Services (or other designated representatives).

F. University Police Officers

a. Two or more commissioned Nicholls State University Police officers must be present at "alcohol events'' taking place within Lafourche/Terrebonne Parish. Nicholls State University Police officers will be housed outside of the event to maintain security and assist in enforcing applicable University policies, laws, and regulations.

b. The number of officers required will be determined by the Chief of University Police or their designee.

c. Student organizations are responsible for securing Nicholls State University Police for events that extend beyond Lafourche/Terrebonne Parish.

d. If an organization contracts with a venue that provides its own security, then a copy of the signed contract with that venue must be presented in lieu of the contract with Nicholls State University Police.

e. Organizations/Departments are responsible for contracting and paying for the cost of such officers.

G. Admission Policies

a. Open parties are prohibited.

b. All members and guests must sign the guest list and produce a valid, legal picture identification (Colonel Card, and Driver's License, etc.) upon arrival at the event.

c. Only individuals on the guest list are permitted to enter the event.

d. Organization members and guests who exit the event will not be permitted to re-enter and must sign out with the time of departure.

e. The guest list should be submitted to the Dean of Students or Designee located in the Dean of Students Office the following work day.

Policy Reviewed: 6/1/22
Policy Revised: 7/19/22

AMERICANS WITH DISABILITIES ACT

Policy Procedure

I. Self-Identification Process

It is the student's responsibility to self-identify with the Student Access Center, to request accommodations each semester, and to provide their instructor(s) with an accommodation letter from the Student Access Center. Medical documentation to substantiate the claim of a disability must be submitted as part of the self-identification process.

It is the faculty's responsibility to maintain the student's confidentiality, provide appropriate accommodations (approved by Student Access Center) in a timely manner either independently or in collaboration with Student Access Center and the Testing Center. Faculty are to maintain the same standards for students with disabilities as are applied to all other students with the exception of accommodations determined by the Student Access Center.

Faculty members are encouraged to contact Student Access Center at studentaccess@nicholls.edu or 985.448.4430 with any questions or concerns about their students' accommodations. Further information can also be located at https://www.nicholls.edu/student-access-center/

Appropriate accommodations enable a student with a disability to compete equally with his/her non-disabled peers but are not intended to place a disabled student at an academic advantage.

II. Appeal Procedure

If any student is dissatisfied with decisions of the Student Access Center or feels that a faculty member has failed to provide accommodations determined by the Student Access Center to be appropriate, students may file a grievance with the EEO/ADA Compliance Office. The procedure is as follows:

Nicholls State University has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

Complaints should be addressed to the EEO/ADA Compliance Officer, who has been designated to coordinate ADA compliance efforts.

1. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

2. A complaint should be filed within 10 working days (i.e., days when University offices are open) after the complainant becomes aware of the alleged violation.

3. An investigation, as may be appropriate, shall follow a filing of a complaint. The ADA Compliance Officer or his designee shall conduct the investigation. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA Compliance Officer and a copy forwarded to the complainant no later than 10 working days after its filing.

5. The ADA Compliance Officer shall maintain the files and records of Southeastern Louisiana University relating to the complaints filed.

6. The complainant can request a reconsideration of the case in instances where he/she is dissatisfied with the resolution. The request for reconsideration should be made within 10 working days to the President. The President and his/her designee will render a decision within 10 working days of receipt of the complaint.

7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that Nicholls State University complies with the ADA and implementing regulations.

Individuals may view the complete policy by clicking here.

EQUAL OPPORTUNITY AND ANTI-DISCRIMINATION

Nicholls State University adheres to the equal opportunity provisions of federal civil rights laws and regulations that are applicable to this agency. Therefore, no one will be discriminated against on the basis of race, color, national origin (Title VI of the Civil Rights Act of 1964); sex (Title IX of the Educational Amendments of 1972); disability (Section 504 of the Rehabilitation Act of 1973; or age (Age Discrimination Act of 1975) in attaining educational goals and objectives and in the administration of personnel policies and procedures. Anyone with questions regarding this policy may contact Alison Hadaway, SHRM-CP, Director of Human Resources at 985-448-4041 or alison.hadaway@nicholls.edu.

The University is ethically committed and legally bound not to discriminate against students, faculty, or staff on the basis of their sex, race, religion, national origin, age, marital status, disability, or veteran's status. A member of the Nicholls community who believes that he or she has suffered discrimination by being denied rights assured by federal and state anti-discrimination laws may file a complaint with either the Dean of Students student complainant) or the Director of Human Resources (faculty or staff) or any other appropriate officer of the University. The complaint will be processed according to the procedure set forth in the Code of Student Conduct.

FERPA – FEDERAL EDUCATION RIGHTS AND PRIVACY ACT

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

1. 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 their legal guardian in the case of a student who is a minor).

2. 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 their academic transcript from the Office of Student Records.

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, teams 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 their 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 (Revised 8.27.19), 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 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

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.

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.
   a. 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.

b. 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 subsection 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 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 S. 14:40.8.

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

1. *University Police Department
    a. (985) 448-4911
2. *Dean of Students
    a. (985) 448-4563
3. Coordinator of Greek Life
    a. (985) 448- 4527

Denotes Mandatory Reporting

POLICY ON PUBLIC SPEECH, ASSEMBLY AND DEMONSTRATIONS

Nicholls State University views freedom of speech and assembly as fundamental to democracy and the mission of higher education. Expressive activities and free discussion of ideas regardless of content and viewpoint shall not be restricted. Such protected conduct includes but is not limited to political views, freedom of association, lawful protests and counter-protests in the outdoor areas of campus. Outdoor areas of campus are generally accessible to the members of the public except during times when these areas have been reserved in advance for other events or minor, brief, or fleeting nonviolent disruptions of events that are isolated and short in duration. Nicholls is committed to the lawful expression of ideas on our campus by students, administrators, faculty, staff, and guests 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, Act 584 of the 2024 Regular Session of the Louisiana Legislature, codified at R.S. 17:3399.31(1) through 3399.41 ("Speech and First Amendment Protected Expressive Activities on Campus"), the policies of the University of Louisiana System and other applicable laws and within the time, place, and manner of expression that are consistent with this policy and that are in furtherance of institutional interest. However, the faculty shall be prohibited from imposing the professor's political views on students in violation of R.S. 17:3399.39. All

speech and assembly activities must be conducted in accordance with federal and state law as well as university regulations.

TIME, PLACE, and MANNER

The safety of members of the Nicholls State community and visitors to the campus is paramount. To maintain safety and security, minimize risks of harm, and minimize conflict with academic processes, the university has designated three preferred locations for public discussion and/or peaceful assembly, demonstrations, and/or protests. Locations include:

1. Free Speech Alley in front of Bollinger Student Union
2. Free Speech Drive (the street between the Student Union and Talbot Hall)
3. Flag Pole in the Elkins Hall Parking Circle

Although other campus locations may be available for public speaking and assemblies by students, these locations are recommended. Groups and organizations who choose to engage in expressive activity outside of one of these locations may be asked to relocate should the expressive activity interfere with the normal operations of the university.

Individuals or groups who wish to request exclusive control of a location for expressive activity for a specific time period or who wish to host their event inside will be required to register that request through the Reservations office a minimum of three weeks prior to the requested date. Granting of the request shall be evaluated solely on published criteria that are content-neutral and viewpoint-neutral. If the request is denied, the university will provide a reason in writing within two business days and the requesting party may appeal the denial.

Security fees may be charged based on standard published content-neutral and viewpoint-neutral criteria including but not limited to time and location, anticipated size of the audience, and whether or not alcohol will be served.

Students, faculty, and staff have the freedom to discuss any topic that presents itself. -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 interfere with, disrupt, or impede the normal operations of the institution, subject to the requirements of this policy. Any person lawfully present on campus who wishes to peacefully engage in noncommercial expressive activity at Nicholls State University is encouraged to notify the university through the Reservations office.

In order to facilitate expressive activities that do not materially and substantially disrupt normal university functioning, the following should be adhered to:

a. Demonstrations or protests shall not block ingress or egress to roadways, buildings, exterior patios, plazas, walkways, or gathering spaces.
b. Demonstrations and protests shall take place at least 150 feet from academic buildings during academic hours to avoid disrupting the academic functions of the university.
c. Residential Living areas and inside of academic buildings are restricted and shall not be used for demonstrations or protests.
d. Individual(s) or organizations who reserved and received approval for a specific location and

time should remain within the location and time described in the registration for that particular event.

e. No harmful acts, destruction or defacement of property, or physical assaults of persons will be allowed. This includes threats and/or intimidation aimed at particular individuals and creating in them a realistic fear for their personal safety or the security of their property.
f. No use of amplification devices is allowed during regularly scheduled class times.
g. The speech may not be projected onto private areas, such as residence hall rooms or classrooms and thereby creating captive audiences who cannot guard their privacy by avoiding the speech.
h. Public assembly, discussion, or demonstration shall not disturb or interfere with any program, event, or activity approved prior to the public assembly, discussion, or demonstration.
i. Commercial activities where individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation, business, or organization are expressly prohibited.
j. Student-on-student harassment is prohibited

DEFINITIONS

Expressive activities include but are not limited to any lawful verbal or written means by which individuals or groups communicate ideas to one another, as provided by the First Amendmentof the Constitution of the United States of America and by Article I, Section 7 of the Constitution of Louisiana, including all forms of peaceful assembly, protest, speech, distribution of literature, carrying signs, and circulating petitions. "Free speech and First Amendment protected expressive activities" expressly excludes commercial activities in which individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation business or organization. Activities in which an individual or group is knowingly being monetarily funded or organized by any individual, corporation, business or organization that has been designated as a foreign terrorist organization or foreign adversary by the United States Department of State, pursuant to 8 U.S.C. 1189 or 15 CFR 7.4. Any criminal activity which is prohibited under Title 14 of the Louisiana Revised Statutes of 1950 or any other provision of state law with criminal penalties.

Material and Substantial Disruption means when a person, with the intent and knowledge of doing so, significantly hinders free speech and First Amendment protected activities, prevents the communication of the message, or prevents the transaction of business of a lawful meeting, gathering or procession by either of the following: (a) Engaging in assault, battery attempted battery, violence, or similar behavior in violation of Title 14 of the Louisiana Revised Statutes of 1950 or any other provision of state law with criminal penalties, (b) Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in a free speech and First Amendment protected expressive activity.

Outdoor areas are outside areas generally accessible to the majority of students, administrators, faculty, and staff, such as grassy areas, walkways, or other similar common areas, and do not include areas where access is restricted.

Student organization means an officially recognized group at a public postsecondary education institution, or a group seeking official recognition, comprised of enrolled students.

Student-on-student discriminatory harassment is unwelcome conduct that targets a victim in violation of this Part and is so severe, pervasive, and objectively offensive and so undermines and detracts from the victim's educational experience that the victim is effectively denied equal access to an institution's resources and opportunities.

NON-ENDORSEMENT/NON-GUARANTEE
All views expressed by any individual or organization are those of the speaker(s) and not, necessarily, of Nicholls State University. References made to any products and/or services are not guaranteed by the University.

VIDEO/AUDIO TAPING
Nicholls State University reserves the right to video and/or audio tape any public speech, assembly, or demonstration held on its campus.

SANCTIONS
Individuals and/or organizations who fail to follow these policies and procedures may be subject to penalties, which may include but are not limited to banishment from campus, payment of damages, fines, etc. Student violators will be referred to the Office of Student Compliance and Ethical Development.

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 Student Affairs or other appropriate university personnel.

Reviewed and Revised by UL System Legal Council and November 2024
Accepted by the university President's Executive Council December 2024

PREGNANT AND PARENTING STUDENTS POLICY

Nicholls State University is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1973. Sex discrimination, which can include discrimination based on pregnancy, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage. Nicholls State University hereby establishes a policy and procedures for ensuring the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, and new parents.

Scope
This policy applies to all aspects of Nicholls' program, including admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage.

Definitions

- **“Medical necessity”** is a determination made by a health care provider of a student’s or employee’s choosing.

- **“Pregnancy or pregnancy-related conditions”** include (but are not limited to) pregnancy, childbirth, false pregnancy, termination of pregnancy, conditions arising in connection with pregnancy, and recovery from any of these conditions, in accordance with federal law.

- **“Pregnancy discrimination”** includes treating a woman affected by pregnancy or a pregnancy related condition less favorable than similar individuals not so affected, and includes a failure to provide legally mandated leave or accommodations.

- **“Pregnant student/Birth-parent”** refers to the student who is or was pregnant. Although the pronoun “she” and “her” are used herein, this policy and its pregnancy-related protections apply to all pregnant persons regardless of gender identity or expression.

- **“Reasonable accommodations” f**or the purpose of this policy are changes in the academic environment or typical operations that enable a pregnant student or student with a pregnancy related condition to continue to pursue her studies and enjoy equal benefits of the University.

Non-discrimination and reasonable accommodation of students affected by pregnancy, childbirth, or related condition

1. Nicholls State University and its faculty, staff, and other employees shall not require a student to limit her studies due to pregnancy or pregnancy-related conditions.

2. The benefits and services provided to students affected by pregnancy shall be no less than those provided to students with temporary medical conditions.

3. Students with pregnancy-related disabilities, like any other student with a disability, are entitled to reasonable accommodation so they will not be disadvantaged in their courses of study or research, and may seek assistance from the Student Access Center.

4. Where the Student Access Center requires students to identify their disabilities and request accommodations by a fixed date in the term, deadline exceptions may be granted in the case of disabilities arising as a result of pregnancy or related conditions.

5. Reasonable accommodations may include, but are not limited to:
    a. accommodation requested by the pregnant student to protect the health and safety of the student and/or her pregnancy (such as allowing the student to maintain a safe distance from hazardous substances)
    b. modifications to the physical environment, such as:
        i. accessible seating
        ii. virtual/remote access to class
        iii. alternate equivalent online coursework

    c. mobility assistance
        i. temporary parking in employee spots

d. extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences

e. providing remote learning options

f. excusing medically-necessary absences

g. granting leave
    i. If student must leave due to pregnancy or pregnancy related factors for more than one year, no application fee will be assessed upon reapplication to the university

h. Breastfeeding students must be granted reasonable time and space to pump breast milk in a location that is private, clean, and reasonably accessible. Bathroom stalls do not satisfy this requirement.
    i. The current location is in University Health Services

    ii. If this location is not accessible to you, please contact the director of Student Wellness and Support Services for assistance with personal accommodations.

Modified Academic Responsibilities Policy for Students with Newborn/ Recently Adopted Child

1. Students with parenting responsibilities who wish to remain engaged in their coursework while adjusting their academic responsibilities because of the birth or adoption of their child or placement of a foster child may request an academic modification period of up to [one semester] beginning within the first six months of the child entering the home. Extensions may be granted where additional time is required due to medical necessity or extraordinary parenting responsibilities.

2. During a modification period, the students' academic requirements will be adjusted and deadlines postponed as appropriate.

3. Students seeking a period of modified academic responsibilities must consult with their adviser to determine which academic responsibilities will be suspended or ongoing. The student will work with their adviser and professors to reschedule course assignments, lab hours, examinations, or other requirements and/or to reduce the student's overall course load, as appropriate. Students are entitled to full relief from academic responsibilities for at least six weeks.

4. A student who seeks modifications upon the birth or placement of their child shall be allowed an extension of 12 months to prepare for and take preliminary and qualifying examinations, and an extension of 12 months toward normative time to degree while in candidacy. Longer extensions may be granted in extenuating circumstances.

5. A student can request modified academic responsibilities under this section regardless of whether the student elects to take leave.

6. While receiving academic modifications, the student will remain registered and retain benefits accordingly.

Academic Leave of Absence

1. Faculty, staff, or other employees shall not require a student to take a leave of absence, or withdraw from or limit their studies due to pregnancy, childbirth, or related conditions.

    a. Pursuant to Title IX, Nicholls State University shall treat pregnancy and related conditions as a justification for a leave of absence for as long a period of time as is deemed medically necessary by a student's physician.

    b. An enrolled student may elect to take a leave of absence for up to one academic year because of pregnancy and/or disability; the birth, adoption, or placement of a child. As per the prior section and minimum requirements of Title IX, the leave term may be extended in the case of extenuating circumstances or if medically necessary due to the health of the student.

2. A student taking a leave of absence under this policy should provide notice of the intent to take leave thirty days prior to the initiation of leave, or as soon as practicable.

3. Intermittent leave may be taken with the advance approval of the student's department head and dean, or when medically necessary due to the student's health conditions.

4. Students who take a leave of absence for childbirth who receive financial assistance or scholarships should consult with a Financial Aid officer prior to the absence.

    a. Federal loan deferment is not allowed during the leave of absence

    b. Students on academic scholarships may take a leave of absence for up to one year for pregnancy and childbirth with a statement from a physician detailing recommended dates of leave. If the student resigns after enrolling, the scholarship will be revoked and an appeal will need to be filed to regain eligibility detailing the reason for resignation and preferably supported by a letter from a physician. Eligibility for continuing private scholarships after the leave of absence is based on the criteria for that scholarship.

    c. For TOPS purposes, a student is allowed to take a leave of absence for maternity leave for up to the equivalent of one full academic year per child. The student must complete the TOPS Request for Exemption Form to have this leave approved.

5. Students who choose to take a leave of absence under this policy can elect to continue residing in university housing, subject to the payment of applicable fees.

6. Upon return from leave, the student will be reinstated to their program in the same status as when the leave began. No application fees will be assessed.

7. Continuation of the student's scholarship, fellowship, or similar university-sponsored funding during the leave term will depend on the student's registration status and the policies of the funding program regarding registration status. Students will not negatively impact or forfeit their future

eligibility for their scholarship, fellowship, or similar university-supported funding by taking leave under this policy.

Student Employee Leave

1. Every effort will be made to maintain employment or reemploy student employees returning from leaves of absence.

Retaliation and Harassment

1. Harassment by any member of Nicholls community based on sex, gender, gender identity, gender expression, pregnancy, or parent status is prohibited.

2. Faculty, staff, and other Nicholls employees are prohibited from interfering with a student's taking leave, seeking reasonable accommodation, or otherwise exercising her rights under this Policy. Faculty, staff, and other Nicholls employees are prohibited from retaliating against a student for exercising the rights articulated by this Policy, including imposing or threatening to impose negative educational outcomes because a student requests leave or accommodation, files a complaint, or otherwise exercises their rights under the Policy.

Dissemination of the Policy and Training

1. A copy of this Policy shall be made available to faculty, staff, and employees in their required training and posted on the Nicholls website. The University shall alert all new students to this Policy and the location of this Policy as part of orientation. The Title IX Coordinator or Deputy Coordinator shall make preventive educational materials available to all members of the Nicholls community to promote compliance with this Policy and familiarity with its procedures.

Compliance

1. Reporting: Any member of the Nicholls Community may report a violation of this Policy to any supervisor, manager, or Title IX Coordinator or Deputy Coordinator. Supervisors and managers are responsible for promptly forwarding such reports to the Title IX Office.

    a. Title IX Reporting Form

    b. Grievance Process Information

Accepted by President's Cabinet July 21, 2022

TAILGATE POLICY

Student Tailgating Guidelines

Registering to tailgate in the student area is **REQUIRED**. All students participating in this event are required to have knowledge of and follow all laws, University policies, and the Student Policy and Procedure Manual.

This process will typically be repeated for each home game. Registered Student Organizations and Greek Organizations can register on the Suitable website. Tailgating will be limited to athletic events and in areas deemed acceptable by the University. Areas deemed acceptable by the University:

- Area adjacent to the Barker Hall parking lot,
- Area connected to Guidry Stadium,
- Area connected to Didier Baseball Field,
- Area connected to Softball Field,
- Parking lot across from Stopher Gym (near Tennis Court) {subject to change}.

For home games that occur during a regular school day, tailgating activities will be allowed after 4:00pm. For home games that occur on weekends and holidays, tailgating will be allowed beginning five (5) hours prior to the start of the game.

Unloading must be completed by three (3) hours before the start of the game. Groups must list the names of individuals who will be doing the unloading on the tailgate request form so that Nicholls State University Police will allow them in (particularly for football games).

Early access for cooking items that require a longer cooking time is only allowed for the homecoming game(s) and must be approved in advance by the Dean of Students. The number of individuals allowed early access for cooking will be limited to three (3). No alcohol will be allowed during the early access.

Food and Drink

Cooking on-site – Cooking while tailgating is permitted. NO OPEN burning is allowed (trash piles, fire pits, bonfires, etc.)

- Open flames are restricted to utilization of approved cooking appliances (i.e., barbeque pits, burners with approved pots, etc.)
- Please note that any cooking should be located in an area that is free from hazards and that any cooking ingredients or oils are to be properly disposed of (no dumping on grounds, in drains, etc.) immediately following the event.
- Generators may be used but must be away from participants and vented so as not to cause a problem with carbon monoxide exposure.
- There is to be NO extension cords running across the street and plugged into the baseball structure or tailgate area. Student groups must use the electrical circuits located next to the Grounds building installed for these purposes. All extension cords will be provided by the user and must be in good condition with no splices, pulled wires from plug, properly grounded and properly sized for the use.

It is recommended that the university food service vendor be considered first for student tailgating.

Student groups with approval to tailgate may bring and cook their own food or donated food/drink **and may only distribute it to students within their own group.**

University student groups (SPA, SGA) who provide food and drink for all students in the tailgate are not required to purchase it through the university food service vendor.

It must only be distributed to currently enrolled Nicholls students.

Pre-prepared food should be purchased from the university food service vendor.

The university and the university food service vendor are not responsible for any impact of food or drinks consumed by students or the public that they (the university and the food service vendor) did not provide directly.

The safety of the food and drink not provided by the University or its food service vendor is the responsibility of those providing it.

- It is the responsibility of the student groups and associated individuals who are providing and/or consuming the food/drink to know and implement current food safety practices as governed by the Board of Health and ServSafe.

Spaces will not be assigned to groups except for special event needs.

- All participants will provide their own tailgating supplies.
- Once the student group has set up in their tailgating space, a member of the group should remain.
- Group members **may not move other groups' tailgating supplies** that are set up.

*Disciplinary action may be taken against a group or individual that removes/relocates other groups tailgating supplies.

The representative(s) who completed the registration for the Tailgating Spot must be available at the designated tailgate spot throughout the duration of the tailgate.

Groups and individuals are required to maintain the ground 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.

All tailgates must be shut down and tailgaters must leave the area 30 minutes after the game start of the game.

- All setups are allowed to remain in place during and after the game.
- Tents, chairs, and other items must be removed no later than noon the following day.
- If the tailgate is not located near John Guidry Stadium or Ray Didier Field, setups must be removed and the area cleaned up at the end of the game.

Any items remaining in the tailgate area by noon on the Monday following weekend games and the day after weekday games will be removed and disposed of by the university.

You are responsible for the behavior and actions of your members and guests and the University reserves the right to revoke the use of a Tailgating spot at any time. Individuals or groups engaging in inappropriate

or disruptive behavior will be directed by University 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.

Identification must be presented upon request. If an individual refuses to present identification or refuses to follow the directions of University staff and/or University Police they will be evicted from the campus grounds. Appropriate follow-up action will be taken.

Music

Music (Band, Disc Jockey, must contain language or speech that is not construed as vulgar, profane or hateful).

- Only **ONE band or DJ** is allowed to perform in the designated student tailgating area.
    - Student groups responsible for the music should make every effort to play a variety of music that our diverse student population will enjoy.
- KNSU may provide DJ services with a requested playlist provided by all participating student groups.
    - For games where SPA does not provide music and KNSU is not participating, a set of guidelines for students to sign up for the providing tailgate music will be provided.
    - There should be no competing music from group spots.
    - All Music must be shut down 30 minutes prior to game start time.

- ***Homecoming and Family Day*** – SPA will be funding the primary DJ for the HOCO football tailgate.
    - The electrical pole is for SPA use ONLY
    - Each group registered for tailgate may play their own music within their tent/group.
    - No live DJs at these two games — personal devices and speakers only. (DJ's may be allowed at future games where SPA is not sponsoring)
    - All music/speakers must be pointed inward toward your group/tent and not competing with the SPA-sponsored DJ
    - No electricity is available on the east side of the tailgate due to construction and electrical cords may not cross roadways or parking areas. You may use small type quiet source generators and, if used, must provide your own safe cords.

Nicholls State University is a TOBACCO-FREE/SMOKE-FREE CAMPUS. The use of any tobacco product in any form is Restricted tobacco products include cigarettes, cigars, e-cigarettes, pipes, water pipes, all smokeless tobacco (chew, snuff, etc.)

Restrooms

Only utilize available restroom facilities. Restrooms at Ray Didier Field (baseball field) will no longer be accessible during tailgating.

PLEASE NOTE AND OBEY SIGNS REGARDING AVAILABILITY OF FACILITIES.

Student groups with sufficient resources should consider renting portable restrooms for the student tailgate area.

Do not enter locked or closed or barricaded bathroom facilities (do not jump fences, do not enter athletic fields, etc).

There will either be port-o-lets at the edge of the tailgate area or you will use the restrooms inside of the football stadium.

Tailgating with Alcohol

PLEASE NOTE: Consumption of alcohol is not advised.

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.

Furthermore, inappropriate behaviors and associated negative consequences of alcohol misuse will not be tolerated. All persons on campus regardless of their status must adhere to all local, state and federal laws concerning use and abuse of alcohol. Nicholls State University Alcohol Standards Louisiana Alcohol Laws

If alcohol is being served:

1. Drink in a responsible and moderate manner.
2. Designated driver(s) must be available and onsite throughout the duration of the tailgate.
3. Always designate non-drinking officers/members to handle situations or make decisions throughout the event. The non-drinking officer/member must be identified on the registration form.
4. Food and nonalcoholic beverages in sufficient quantity, must be available throughout the duration of the event. The food items must be substantial (i.e. must be more than just chips and dip).
5. Drinking games and common sources (e.g. kegs) of alcohol are prohibited per the University Alcohol Policy.
6. All water games are prohibited when alcohol is present. The list includes but is not limited to:
    - Water fights
    - Water slides
    - Kiddy pools
    - Slip and Slides

Anyone under the age of 21 possessing/consuming alcohol, or anyone giving alcohol to an underage person, will be subject to arrest and referred to the Conduct Office. University Police, Thibodaux Police Department, and other law enforcement agencies **will monitor and enforce** this law.

Under no circumstances will any alcoholic beverages be permitted to be brought inside any athletic venue. Anyone found in possession of alcohol entering the venue is subject to being ejected without a refund of the ticket price (student guest) and will be subject to arrest.

****These guidelines may be revised or adjusted at any time during the year. Students will be notified of these changes through Presence. It is each student's /student group's responsibility to remain up-to-date on policies.*

Revised as of 10/4/2023

TITLE IX AND POWER-BASED VIOLENCE

It is the policy of Nicholls State University to comply with Title IX of the Education Amendments of 1972 which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the University's educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. This compliance is reflected in all policies, procedures, and protocols referenced in this Policy Statement Document.

If you or someone you know has experienced sexual harassment, sexual assault, intimate partner violence, or any other forms of sexual misconduct, the university strongly encourages you to report it. Reporting the incident means that you have choices to make about what the next steps look like. For some people, reporting is to ensure that your experience is recognized; for others, reporting is a means to get the support you need to feel safe and healthy; or, reporting can be a way to initiate our conduct process because you want to hold whoever harmed you accountable for their behavior.

Individuals may file a report by clicking here.

For more information about Title IX and Power-Based Violence, please visit https://www.nicholls.edu/titleix/

TOBACCO FREE CAMPUS

Policy and Procedure (Effective: January 1, 2011)

1. The use of any tobacco product in any form (smoking or chewing) is prohibited effective January 1, 2011. This applies to all students, faculty, staff, contractors and visitors o*n all* Nicholls State University properties including the main Nicholls campus, Chauvin Garden, BRI, Nicholls Farm, the Nicholls research facility in Fouchon, etc.

2. **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.*

3. The use of tobacco products is prohibited at all times:

a. In all interior space on Nicholls State University's main campus and all satellite locations;

b. On all outside property or grounds of Nicholls State University campus;

c. In all Nicholls State University vehicles;

d. In all indoor and outdoor athletic facilities; and

e. In all personal vehicles while parked on Nicholls State University property.

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

5. 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.

6. 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 University 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.

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

Student Violators: Complaints about student violators of this policy should be brought to the attention of the Dean of Students, University Police, or Environmental Health and Safety. All complaints received by University Police, Environmental Health and Safety should be forwarded to the Dean of Students.

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 the Dean of Students. 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 *below* for more information about sanctions.

Students

1. Sanctions for student violators will be addressed by the Dean of Students. Sanctions will follow a progressive format for all reported violations.

    a. First Violation:
        i. Violator(s) will receive a verbal warning through the Dean of Students, and may incur a $25.00 fine added to your account.

b. Second Violation:
    i. Violator(s) will be placed on disciplinary probation and may incur a $50.00 fine added to your account.
    ii. ***and***
    iii. Any other disciplinary action as per the Student Policy and Procedure Manual (students) to be determined by the Dean of Students.

c. Third Violation:
    i. The violator will be charged with violation of probation and appropriate actions will be pursued including applicable dismissal procedures, and may incur a $75.00 fine added to your account.

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.

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' to help bring behavior into accord with community expectations, responsible citizenship, and personal success.

OVERVIEW OF PROCESS

Step-by-Step Guide | At Nicholls State University the Dean of Students serves as the Conduct Officer. If students are alleged to be responsible for violating the Student Policy and Procedure Manual, they are guaranteed due process. This section outlines these procedural rights under the Dean of Students Office. The following procedural guidelines apply when a case is heard by the Dean of Students or designee. It is the student's responsibility to be aware of their rights contained within these guidelines. Should a student depart before an investigation and/or adjudication of an alleged infraction is completed, the judicial process may proceed in their absence.

Filing a Complaint

Filing a Complaint of misconduct against a student may be filed online by any University community member. Always call University Police at (985) 448-4746 or 911 in case of an emergency. Complaints shall be prepared in writing and directed to the Dean of Students.

1. **Written complaints should include the following:**

    1. Full name, local address, phone numbers, and, if possible, “N” numbers of the complainant, accused, and witnesses.

    2. The specific conduct standard policy, and/or rule you believe was allegedly violated (if known)

    3. The date, time, location, and persons involved in the incident under investigation;

    4. A narrative of the incident describing what occurred;

    5. Copies of pertinent witness statements, police and/or housing reports, and/or

    6. Any other physical evidence (photographs, written documents, items, etc.)

Complaints should be submitted immediately after the incident, preferably within ten (10) business days as time is of the essence. Unless there are special circumstances like sexual misconduct or acts of violence, complaints should be filed within 30 business days as time is of the essence.

The complainant (person filing charges) bears the burden of proof. Individuals considering filing complaints are encouraged to arrange a meeting with the Dean of Students (or designee) before filing complaints to discuss filing and hearing procedures.

Upon receipt of the filed complaint, a staff member of the appropriate office shall notify the accused student by email, regular mail, or hand delivery that proceedings have been initiated.

The letter will notify you that you will be contacted to set a meeting time and date with the Dean of Students, or directs the student to schedule a discipline conference within a specified time. The letter also lists the initial alleged violation(s) the student is charged with. Additional charges may be issued if new information and/or evidence is discovered during the investigation. A new notice of charge will be sent to the accused student.

Some correspondence the Dean of Students receives, even if it concerns an alleged Student Code of Conduct violation, may not be a complaint. Upon receipt, the Dean of Students/Conduct Officer will determine whether the correspondence is a complaint.

The following are not complaints (this is a noninclusive list):

- Oral allegations that are not provided in writing.
- Anonymous complaints may not be sufficient to proceed in this process.
- Courtesy copies of correspondence or a complaint filed with or otherwise submitted to another person or entity.

2. **Procedure for Preliminary Hearing of General Student Complaints**
    1. Students are encouraged to seek informal resolution of complaints with the individual or department with whom the issue is associated. If the result is unsatisfactory to the student or directly approaching the individual or department is inappropriate or unsafe, students may

file a formal written complaint by completing the Non-Academic Misconduct Violation Reporting Form.

2. Complaints received through email or direct message on social media will receive a reply with the link to the reporting form and a directive to complete that form. Although anonymous complaints will be accepted, this may affect the outcome and resolution or delay the process.

3. **Preliminary hearing is Scheduled |** Once a student has received a notification to schedule their conduct meeting, **it is their responsibility to contact the appropriate staff member to schedule the preliminary hearing within 72 hours after email notification has been sent from the Dean of Students or designee's office**. In some cases, the case will be scheduled in advance. Should a student choose not to schedule or attend a conduct meeting, the meeting may proceed, and conclusions may be reached in their absence. Findings will be based on the information made available to the staff member at the time of the conduct meeting. Although students are expected to comply with all conduct procedures, failure to respond or appear as provided in these regulations will not be construed as an admission of guilt. In cases where more than one student is alleged to be responsible for a violation of these regulations, the staff member may determine that a single consolidated conduct meeting be conducted to review and determine the matter(s) pertaining to those students. Students may request to have their cases heard individually.

4. **Preliminary Hearing |** During a conduct meeting, student(s) will have the opportunity to review the evidence alleging their involvement in a policy violation(s). Students will have an opportunity to respond to the allegations(s) contained in a complaint filed by presenting information relevant to their case as provided in these regulations. Documentary evidence and oral statements relevant to the case will be considered by the Dean of Students only when the person(s) providing that the evidence or statements can be made available for examination at a conduct meeting unless the Dean of Students determines that it is unreasonable or impossible to enforce this requirement. At the conclusion of the meeting, responsibility will be determined by a preponderance of evidence, meaning that the majority of evidence indicates that the resident is responsible for the incident or behavior.

5. **Decision is Made and an Outcome Letter is Provided |** Students will be notified in writing of the final decision of the Dean of Students after the judicial meeting is completed. Under most circumstances, the Dean of Students or designee will make a determination at the end of the meeting regarding responsibility of the alleged sanctionable misconduct, but should more time to deliberate be needed, a decision must be made **five** regular university operational days. The decision of the Dean of Students shall constitute the written record of the meeting and shall be kept on file with the Dean of Students Office. All conduct proceedings under these regulations are subject to all applicable laws and regulations governing the privacy and disclosure of student records. The Dean of Students or designee shall make the final determination(s) in all disciplinary actions taken under these procedures.

6. **Student May Choose to Appeal in Writing/Email |** The decision of the Dean of Students or designee may be appealed, in writing, **within five (5) university operating days** of the date the decision letter is rendered. If the Chair of the Committee determines the appeal meets the below criteria, the appeal

will be heard by the universities' Student Conduct and Accountability Committee. Appeals must be submitted in writing to the Chair of the Student Conduct and Accountability Committee.

Written appeals must cite specific reasons for a reconsideration of the decision. The right to appeal the decision is limited and may be based only on:

a. the grounds that procedural error(s) occurred at the judicial meeting that unfairly affected the outcome of a case.
b. compelling new evidence, relevant to the outcome of a case, was discovered and was demonstrably not available at the time of the judicial meeting. New evidence may be submitted after the **seven-day** appeal limit; however, sanctions do take effect after the seven-day timeline. Thus, appeals may or may not affect sanctions.
c. specific conditions that provide good cause for reconsidering a case. This can include unduly harsh sanctions or demonstrated bias against a resident during the conduct process.

7. Sanctions | Normally, sanction(s) will be imposed against a student before the conclusion of the conduct meeting process as provided in these procedures.

Interim Actions | The Dean of Students or their designee may determine that sufficient cause exists to impose interim actions on a student pending disciplinary committee proceedings. These interim measures are necessary to ensure the physical safety of members of the campus community during a timely investigation and adjudication of a student disciplinary issue. Such measures may include, but are not limited to, adjusting student housing arrangements, imposing conditions of mutual no-contact between the student respondent and the complainant, temporarily suspending a student, or banning a student from campus. The implementation of these reasonable interim measures shall require the following:

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

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

Discipline/Punitive Fines | In violations where a fine is imposed, future violations for similar offenses are progressive. Below is a potential example of a progressive fine:

i. **First Violation:**
    1. Fine - $25.00 and a written warning

ii. **Second Violation:**
    1. Fine – $50.00, educational sanction and discipline probation

iii. **Third Violation:**
    1. Fine - $75.00 - $100.00 and potential suspension (depending on severity of violation)

STUDENT RIGHTS & DUE PROCESS AT THE Student Conduct and Accountability COMMITTEE LEVEL

(Complainant and Respondent)

1. The student respondent and complainant shall be informed of the due process rights as outlined below.
2. The student respondent and the complainant have the right to a closed hearing. The University may, but is not required to, open the hearing if requested and agreed to by both the student respondent and the complainant. The student respondent and the complainant 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 understanding the process and may attend the hearing at the request of the student respondent. The Director may be contacted through SGA by calling (985) 448-4557.
3. The student respondent and complainant has the right to know what documentary evidence will be offered against them;
4. The student respondent and complainant has the right to know the identity of each witness who will testify;
5. The student respondent and complainant and the have the right to summon;
6. The student respondent and the complainant have the right to offer evidence;
7. The student respondent and complainant has the right to argue on behalf of self;
8. The student respondent and committee members have the right to cross-examine each witness who will testify. The victim may offer questions through the Dean of Students. The Dean of Students may or may not use the questions;
9. The student respondent and the complainant will be informed of the outcome of the hearing.

10. Complainants of cases involving violence and/or sexual offenses will be informed of the outcome of the hearing and subsequent appeals.

Both the student accused and the person making the complaint have the right to appeal the decision or any sanction given.

STUDENT RESPONSIBILITIES

1. To comply with all federal, state, and local laws and University policies and regulations.
2. To respect the rights and dignity of others.
3. Report violations of the Student Code of Conduct or other University policies and regulations to the appropriate authorities.
4. To cooperate fully with University officials in investigating and adjudicating alleged violations.
5. To attend disciplinary proceedings to which they have been summoned.
6. Accept responsibility for their actions and the consequences thereof.
7. To make full restitution for any damages caused by their actions.
8. Refraining from behavior that interferes with the educational process or the university's normal operations.
9. To respect the property of the University and the property of others.
10. To refrain from behavior threatening the health, safety, or welfare of themselves or others.
11. To refrain from behavior that violates the University's policies on alcohol and drugs.
12. To refrain from behavior that constitutes hazing.
13. To refrain from behavior that constitutes power-based violence.
14. To stay informed by reading communications from the University.

Appeal of Preliminary Hearing of Initial Complaint

1. If the student does not agree to a resolution as proposed:
    a. They may file an appeal to the next University officer, Student Conduct and Accountability Committee chair, within five (5) workdays of the notification of the proposed resolution.

b. Written appeals must cite specific reasons for a reconsideration of the decision. The right to appeal the decision is limited and may be based only on:
    i. the grounds that procedural error(s) occurred at the judicial meeting that unfairly affected the outcome of a case.
    ii. compelling new evidence, relevant to the outcome of a case, was discovered and was demonstrably not available at the time of the judicial meeting. New evidence may be submitted after the **seven-day** appeal limit; however, sanctions do take effect after the seven-day timeline. Thus, appeals may or may not affect sanctions.
    iii. specific conditions that provide good cause for reconsidering a case. This can include unduly harsh sanctions or demonstrated bias against a resident during the conduct process.

2. The appeal will be decided within ten (10) workdays, based on the student's letter of appeal as well as all notes and documentation produced during the discussions.

3. The appeal officer may speak with all of the parties involved, or with none; however, the appeal officer will not speak with only one of the parties without also speaking with the other(s).

4. A formal notification of the appeal outcome will be sent to the student.

5. Should the student not find the outcome of the first appeal to be satisfactory, they may continue to the Vice President for Student Affairs with the same ten (10) day turnaround time with the University President being the final level of internal appeal. The President may choose to have the President's Cabinet review the case and submit a recommendation.

6. The student may appeal the president's decision to the Board of Supervisors for the University of Louisiana System. The Board's review of the matter will be limited to a determination of compliance with established and appropriate procedures at the institutional level. The final decision will be conveyed to the student in writing from the University President's office.

Documentation and Record of Process

1. All documentation throughout the process must be maintained by officials involved and submitted into the Maxient system with the final resolution outcome signed by the student and the last official addressing the case. The Dean of Students office will assist those who do not have direct access to that system.

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

FERPA NOTIFICATION

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 CONDUCT AND ACCOUNTABILITY COMMITTEE

The Student Conduct and Accountability 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 Student Conduct and Accountability 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 respondent, may waive this quorum requirement.

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 assigned violations of the *Standards of Conduct*:

1. **Written Reprimand** – written reprimand from the Dean to the student, on whom the penalty is imposed, placed in the student's permanent university discipline record.

2. **Written Warning** – written notification that further violations of any of the standards may result in more severe disciplinary action. A written warning may be imposed for a period of not more than one calendar year, and the warning period will expire after the determined amount of time.

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. Disciplinary probation may be imposed for a determined amount of time based on egregiousness and will expire after said amount of time.

4. **University No Contact Directive** - Prohibits named students from contacting, emailing, telephoning, or otherwise disturbing each other in situations where there is reason to believe that an alleged violation of harassment policies, a physical altercation, and/or Sexual Harassment may have occurred. A University No-Contact Directive can be issued to one/all parties involved.

5. **Bar Against Readmission** – written notification issued to a student who has left the University that they 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.

6. **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.

7. **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.

8. **Service Hours** – The appropriate administrative party may assign community service work to fit the particular case.

9. **Suspension of Rights and Privileges** – an elastic penalty. The Dean of Students or designee or Student Conduct and Accountability Committee may impose limitations to fit the particular case, which could include eviction from the residence facilities and/or prohibition from entering or visiting any area of the campus.

10. **Suspension of eligibility for official athletic and non-athletic extracurricular activities** – The Dean of Students or designee or Student Conduct and Accountability 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 Subsection for more than one calendar year.

11. **Removal from class/lab** – may be imposed in a course in which the student was found responsible for severe or repeated disruption of class/lab activities. The student will be banned from attending the class/lab activities.

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 Dean of Students or designee, 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 an 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.

15. **Dismissal from the University** – A student is suspended for an indefinite period of time and may be readmitted only by action of the Student Conduct and Accountability Committee. After a reasonable or specified period of time has passed, the student must petition the Student Conduct and Accountability Committee or 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:

    a. deny the student's readmission;

    b. readmit the student on probation and with restrictions upon their campus privileges;

    c. readmit the student on probation only. If readmitted, no credit will be given for academic work done elsewhere during the suspension period.

IMPORTANT FORMS & RESOURCES

IMPORTANT WEB ADDRESSES

Department	Web Address
Academic Affairs	http://www.nicholls.edu/academic-affairs/
Student Affairs	http://www.nicholls.edu/student-affairs/
Financial Aid	http://www.nicholls.edu/financial-aid/
Graduate Studies	http://www.nicholls.edu/graduate/
Health Services	http://www.nicholls.edu/health/
International Studies	http://www.nicholls.edu/international/
Ellender Memorial Library	http://www.nicholls.edu/library/
Office of Residential Living	http://www.nicholls.edu/housing/
Parking	http://www.nicholls.edu/parking/
Student Access Center	http://www.nicholls.edu/student-access-center/
Student Organization	http://www.nicholls.edu/organizations/

REPORTING FORMS

General Student Complaint

Non-Academic Misconduct Violation Reporting Form

Title IX Complaint & Power Based Violence Reporting Form

Report Hazing

Person of Concern

Residential Living On Campus Incident

APPENDIX

APPENDIX C: Colonel CARE Team

UNDER REVISION

Colonel Care (Coordinate, Assess, Respond, Educate)

Introduction

College students often have difficulty adjusting to college life, but in some cases students who are in distress (including but not limited to physical, emotional, situational or psychological) cannot function in their personal lives and/or focus on learning. Colonel CARE's (Coordinate, Assess, Respond, Educate) purpose is to assist with any situation that could potentially disrupt a student's academic or social wellbeing within the university community. The team provides early assessment and referral when an individual's behavior is identified as concerning, risky, or potentially harmful to self, others, or the community. We plan to intervene early and support the student. The team reviews individual cases and coordinates an appropriate action plan for response. An ethic of care and attention to the safety and wellbeing of individuals, the campus, and community guide all recommendations.

Nicholls State University is committed to providing a campus environment that is conducive to students to develop their full potential. In addition, there may be times when the university is required to respond to a person of concern. Through development of the CARE Team, the University has created a mechanism to identify students in distress. This mechanism will initiate support and safety interventions, which will provide the student with the greatest chance of success and the university community the greatest level of protection.

This document will outline the University's CARE Team procedures, which do not replace existing academic or Student Policy and procedures, nor does it supersede existing local, state and/or federal laws. Except where otherwise noted, the procedures in this directive apply to all students, faculty, and staff. The University may add, revoke, or modify these procedures to best meet the needs of the particular situation. Circumstances may dictate or necessitate procedural changes in policy implementation or enforcement that are not part of this policy, but this document will be continually revised or updated to best reflect the operating procedures of the University and the CARE Team.

Mission Statement

The mission of the Nicholls State University CARE Team is to provide a program for identification, intervention, and response to person(s) of concern while balancing the needs of the individual with those of the community. The CARE Team identifies students, faculty, and staff whose behavioral patterns have raised concern about their well-being; centralizes communication to gain a more complete understanding of the whole individual; and develops a collaborative outreach plan with campus and community resources to address identified risks.

Responsibilities

The primary duties and responsibilities of the CARE Team include the following tasks:

- Create a reporting mechanism that allows both the university and the surrounding community to easily and confidentially report behaviors of concern.
- Facilitate referrals.
- Develop an integrated case management plan. Monitor and provide a systematic response to situations involving students, faculty, or staff whose behavior or condition may be disruptive or harmful to themselves or others in the University community, or students who pose a direct threat (or create distress) to themselves or others.
- Educate, consult, and support faculty, staff and administration creating awareness and access to resources for student support.

CARE TEAM MEMBERSHIP

The CARE Team consists of university personnel with expertise in law enforcement/threat assessment/tactical applications, residence life, student affairs, medical and mental health, disability services and compliance. Membership is based on the position and not the individual. The members selected have regular contact with campus community members in some capacity, which will aid in assessment of persons of concern. Members have the authority to receive a CARE recommendation and take the appropriate action. A collaborative process to assess concerns will be used. Depending on the situation, personnel with areas of specialization or responsibility may be called upon to assist the Team. The Team may also consult with other individuals as needed such as a faculty member who has a concern about a

student. A professional counselor may also be consulted (with a signed consent) who has information concerning a student, faculty and or staff.

Team Members

The core CARE team is composed of the following disciplines.

Core Colonel CARE Team:

- Dean of Students
- Residential Housing
- Chief of Police (or designee)
- Case Management
- Forensic Psychologist
- Student Support Services Director

CARE Team Liaisons

The CARE Team will work with other University personnel as needed based on the issues reported in the CARE Report. These Liaisons will assist the team with specific individual cases by providing additional resources and information. Liaisons include, but are not limited to, the following:

- Student ACCESS Center
- University Police
- Counseling Center/Health Services
- Academic Advising
- Bridge To Independence
- Student Affairs
- Human Resources/Title IX (When involving employees)
- International Students
- Department of Psychology, Counseling, and Family Studies

Records

Records created by the CARE Team related to individual students are considered “educational records'' and as such are protected in accordance with the Family Education Rights and Privacy Act (FERPA), CARE Team records will be maintained by the Office of Dean of Students in Maxient and will be considered confidential and accessible only to the student and parties with appropriate access (see FERPA Regulations here.). Any CARE team member can add comments to CARE reports.

Referrals

Any person who has concern for any Nicholls community member is strongly encouraged to fill out an electronic CARE report form.

In all emergencies or immediate threats to safety contact University Police at (958) 448-4911.

When to Refer

- If your effort to manage a significant behavioral issue has not resolved the problem;
- If you are concerned about the welfare of a student, yourself, and/or other students;
- If a student asks for help in dealing with personal issues that are outside your role as a faculty or staff member; and/or
- If you have referred the student for assistance in the past and there seems to be no improvement or behavior seems to be worsening.

Colonel CARE Team: Red Folder

APPENDIX D: Academic Grievance Grade Appeal Procedure

Grade Appeal Procedures

Each academic college will implement the following procedures for the resolution of final grade appeals filed by students. A student may only appeal the final grade in a course, individual assignments or test grades are not subject to appeal. The student may seek the assistance of the SGA Director of Student Rights and Grievances at any time during the informal and formal procedures. It is the responsibility of the student to contact SGA. All grade appeals 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 30 calendar days of when the final course grade is posted.

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 60 calendar days when the final course grade was posted by completing a Grade Appeal Form and submitting it to the head of the department in which the faculty member teaches. The department head may use a department-based group to review and make recommendations regarding the matter. A copy of the Grade Appeal 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 final Grade Appeal Form to the Academic Dean of the College in which the faculty member teaches. The Grade Appeal Form must be filed with the Academic Dean within 90 days of when the final course grade was posted. 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 90-day deadline for filing final grade appeal has been met. If so, the Academic Dean shall refer the matter to the College Academic Grievance Committee (see committee composition requirements below) within ten (10) work days after receipt of the appeal form and/or attempts to facilitate an informal resolution. If the form is not submitted to the Academic Dean within 90 days of when the final grade was posted, the Academic Dean shall inform the student in writing that the period for acting on the matter has expired and therefore, the Grade Appeal 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 Academic Grievance Committee (Chair) with copies of all pertinent documents related to the grade appeal.

3. The hearing will be scheduled by the Chair at a date and time agreed upon by the student (complainant) and the faculty member. 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 grade appeal. 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 grade appeal. Both the grievant and the faculty member shall refer all matters pertinent to the grade appeal 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.

6. The Chair will provide the Academic Dean with the Academic Grievance Committee's recommendation within ten (10) work days of the formal grade appeal hearing.

7. The Dean will notify his/her final decision in writing to the student, faculty member, and Department Head, and, if a grade change is involved, the Registrar within ten (10) work days of receipt of the report from the college Academic Grievance Committee. The decision of the Dean is final and ends the grade appeal process.

8. A copy of the Student Grade Appeal Form documenting the outcome of the appeal procedure will be filed in the Dean's Office.

Academic Grievance Committee

Composition

The Academic Dean of each college will appoint the College Academic Grievance Committee. The

Undergraduate 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 graduate 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.

Duties

The College Academic Grievance Committees will hear academic dishonesty cases as well as student final grade appeals. 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 final grade appeal 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, do 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 to 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.

APPENDIX E: General Student Complaint Process

Student Complaints and Their Resolution

Procedure for Resolution of General Student Complaints

Students are encouraged to seek informal resolution of complaints with the individual or department with whom the issue is associated. If the result is unsatisfactory to the student or directly approaching the individual or department is inappropriate or unsafe, students may file a formal written complaint by completing the General Complaint and Reporting Form which can also be found on the web pages of Student Affairs, Dean of Students, Student Policy and Procedure Manual, University Police, Student Government Association, and Human Resources. Complaints received through email or direct message on social media will receive a reply with the link to the reporting form and directive to complete that form. Although anonymous complaints will be accepted, this may affect the outcome and resolution or delay the process.

General complaints related to this policy typically involve unfair treatment, generally unequal treatment, substandard physical facility conditions, behavior that a student may feel is unjust or creates unnecessary hardship, or other general concerns that warrant actions and are not included in the exclusions list below which have separate complaint policies and protocols.

Considerations for the process:

- If the official who responsible in a particular step is inaccessible for the duration of the days allotted for that step (i.e. vacation, professional travel), a delegate may be assigned to perform duties described herein
- Meetings may be in-person or virtual. The student's preference should be given priority, but the student should give consideration to using the method that will ensure the process is completed within the allotted time frame(s).