

CODE OF CONDUCT

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Preface

By issue of this Student Code of Conduct, Northwestern State University hereby establishes the standards and procedures that shall govern the conduct of students on University property, in University facilities and away from the University campus. Students, members, and advisors of student organizations will be expected to become familiar with this Code and assure the Code's successful implementation by their observance of the provisions and their support of the objectives stated herein.

On-Campus Health and Safety Policy

To ensure the health and well-being of the NSU Community, all students, faculty, staff, and visitors must adhere to all local, state, and federal guidelines regarding the COVID19 pandemic. All members of the NSU community must adhere to the current policy in effect and recognize that policies and guidelines are subject to change by local, state, and federal authorities. In the event of a campus emergency (tornadoes, flooding, other extreme weather conditions, chemical spills, active shooter, or other crisis situations) resulting in specific directions from university authorities such as a shelter in place order, an evacuation order or other necessary safety orders, members of the NSU community are expected to follow the guidelines and directives issued.

Campus/Classroom Civility Statement

Northwestern State University students, faculty, and staff are expected to create an environment that promotes academic excellence, personal dignity, mutual respect, and individual responsibility in both face-to-face and electronic educational settings regardless of the content of the ideas and opinions being shared. Our diverse backgrounds as individuals combined with ideas and concepts being taught and discussed require that we demonstrate respect for ideas and opinions that may differ from our own. It is part of the educational process to think critically about our own reactions, beliefs, and opinions, and examine why we hold them. Students who use inappropriate language, are verbally abusive, display defiance or disrespect to others, or behave aggressively toward others, speak at inappropriate times, take frequent breaks, interrupt the class by coming to class late or leaving early, engage in loud or distracting behaviors, use cell phones or other noise-making electronic devices like watches with alarms, listen to music on headphones, or play with computers or hand-held games during the class period may be asked to leave the class and may be subjected to disciplinary action. The instructor of a course may deem additional behaviors or actions inappropriate; these actions or behaviors will be outlined in the course syllabus. Students who are online and make others feel unwelcome, disrespected, harassed, use inappropriate language, are verbally abusive, or display defiance or disrespect to others may also be subjected to disciplinary action under the Northwestern State University Student Code of Conduct and Sanctions. The infractions and

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sanctions are available on the NSU website at [NSU Student Handbook](#).

The instructor of a course may deem additional behaviors or actions inappropriate; these actions or behaviors will be outlined in the course syllabus.

ARTICLE I • Introduction

Northwestern State University is an institution with an educational mission, carried out by means of programs and activities devoted to the pursuit of knowledge, through instruction, research and service. The University exists as a community of students, faculty, administrators, and staff who provide, participate in and support these activities and programs. The University campus, facilities, properties and other resources exist to facilitate this educational mission.

The University has an inherent interest in developing policies to preserve and enhance the University's ability to function effectively and efficiently as an academic institution. These policies entail recognition of both rights and responsibilities for all members of the University community. These considerations make student conduct a legitimate concern of the University.

As a member of the University community, a student is entitled to the freedoms and rights guaranteed to students by the Constitutions of the United States and Louisiana. A student has a right to learn and benefit from an intellectual environment free of distractions.

Accompanying these rights are certain responsibilities. A student must abide by federal, state and local laws. A student is obliged to respect the rights of others. A student shall comply with valid institutional regulations, contribute to the order of the University's academic and administrative processes and uphold standards of decency and honor in all conduct. Only when individuals are responsible can their rights be assured. Freedom must be exercised responsibly in the context of recognized interest of others and the institution.

The policies and procedures in this Code are established to secure these ends. Such policies and procedures are fundamentally designed to help maintain a campus environment conducive to learning and other educational pursuits. This Code is intended to ensure the enjoyment of students of all proper rights, without undue infringement by others. This Code is a means of attainment to the University's educational mission by protecting the institution's processes, resources and constituent community.

General authority in the governance of students enrolled at Northwestern State University is delegated to the University President by the University of Louisiana System Board of Supervisors. Within the scope of this authority and further delegation to the Dean of Students, this Student Code of Conduct is enforced for Northwestern State University. This Code shall be published and made available to all students attending the University. Upon admission, a student shall be deemed to have accepted the conditions and obligations stated herein, in

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addition to all other applicable University regulations which have been or may be issued and published by proper authority. This Code shall apply to all student groups, whether formally or informally organized and whether recognized by the University or not. In addition to conduct on university property, conduct off campus shall be fully within the scope of this Code, when applicable. Criminal or civil proceedings may be instituted against a student or student organization but shall not prevent the disciplinary process involving such student or student organization under this Code. The University shall not be bound by the outcome of criminal and civil proceedings in the University's determination of whether misconduct did or did not occur or in the selection of an appropriate sanction. Regarding conduct by a student which may be the subject of criminal or civil action, the University shall have the discretionary right to proceed under this Code against the student or student organization before, during the pendency of, after the final disposition of such action, or in the absence thereof. The University shall resort to the disciplinary process only where the alleged conduct directly and/ or adversely affects the mission of the institution or the campus community. The University may exercise jurisdiction off-campus when:

- a. The complainant of such offense is a member of the campus community (student, faculty, staff, administrator, contractor); or
- b. The offense occurred at University sponsored or sanctioned event (Greek houses, athletic events, co-op program); or
- c. The respondent used his or her status as a member of the University community to assist in the commission of the offense (i.e., using another student's I.D. card to gain access into the WRAC); or
- d. The offense seriously impairs the pursuit of the University's objectives (armed drug dealer arrested downtown).

ARTICLE II • Definitions

To enhance the understanding of this Code and protect the due process right of students, the terms and phrases of this Code are herein defined.

SECTION 1.0 Terms

- 1.1 **Absentia:** The person involved is not present for their administrative appointment.
- 1.2 **Appellate:** Concerned with or dealing with written request(s) for decisions to be revised.
- 1.3 **Arbitrary:** Not seeming to be based on a reason, system, or plan and sometimes seeming unfair.
- 1.4 **Ascertains:** Discovering the facts or truth about something through examination or experimentation.

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- 1.5 **Attorney:** An attorney licensed to practice law in the State of Louisiana.
- 1.6 **Capricious:** To have an unpredictable, sudden, and unaccountable change in attitude or behavior.
- 1.7 **Conference:** A meeting conducted by the Student Conduct Officer, Title IX Coordinator, or designated representative at which the student is verbally informed of an allegation that he/she has committed an infraction of this Code of Conduct and the student is provided an opportunity to respond. The Student Conduct Officer, Title IX Coordinator, or designated representative may dismiss the complaint, investigate the allegation (Title IX only), administer sanctions (Student Conduct only), or schedule an administrative hearing.
- 1.8 **Contravene:** To go or act contrary.
- 1.9 **Counsel:** University faculty, staff or students selected to advise a student during a hearing.
- 1.10 **Dean of Students:** University employee (or designee) empowered by the University President to implement this Code and perform other assigned duties.
- 1.11 **Disseminate:** To spread or give out something, especially news, information, ideas, etc., to a lot of people.
- 1.12 **Exculpatory:** Information that increases a defendant's probability of innocence or absolutely relieves them of liability.
- 1.13 **Exigent:** Requiring immediate attention; needing to be dealt with immediately.
- 1.14 **Inculpatory:** Implying or imputing guilt.
- 1.15 **Malfeasance:** Wrongdoing or misconduct.
- 1.16 **Misfeasance:** The act of engaging in an action or duty but unintentionally failing to perform the duty correctly.
- 1.17 **Nonfeasance:** The omission to perform a required duty or the failure to act when a duty to act existed.
- 1.18 **Ordinance:** A law enacted by a local government.
- 1.19 **Practicum:** An undergraduate or graduate-level course, often in a specialized field of study, that is designed to give students supervised practical application of a previously or concurrently studied field or theory.
- 1.20 **Provost:** A senior academic administrator.
- 1.21 **Quorum:** The presence of a chairperson and six (6) members or the specified number of members from the general rostrum with at least

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one member from each area shall constitute a quorum; and, with a quorum present, the Committee may perform any of its functions and exercise any of its powers.

- 1.22 **Record:** A written or electronic transcript of the proceedings of an administrative or appeals hearing.
- 1.23 **Sequester:** To keep (a person or group) apart from other people.
- 1.24 **Student:** The term includes, all persons taking courses at the University, both fulltime and part- time, pursuing undergraduate, graduate, or professional studies and those who attend post-secondary educational institutions other than the University and who reside in University residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students" solely for the purposes of the interpretations of this Code.
- 1.25 **Student Conduct Officer:** University employee empowered by the University President to implement this Code of Conduct and perform other assigned duties.
- 1.26 **Summons:** A citation or notice to appear in a disciplinary conference/hearing.
- 1.27 **Title IX Coordinator:** University employee empowered by the University President responsible for coordinating the University's compliance with Title IX and other related discrimination laws and perform other assigned duties.
- 1.28 **University:** Northwestern State University of Louisiana.

SECTION 2.0 Phrases

- 2.1 **Administrative Appeal Hearing:** A formal appeal hearing conducted by the Vice President for the Student Experience or designated representative in which, should allegations of misconduct be substantiated, the alleged student violator may be subject to a sanction or sanctions.
- 2.2 **Banishment from Campus:** Prohibition from access to University property, activities, or events.
- 2.3 **Class Day:** A day on which classes are regularly scheduled or final exams are scheduled.
- 2.4 **Committee Appeal Hearing:** A formal appeal hearing conducted by a committee to hear an appeal of the sanction of probation, suspension or expulsion upheld or imposed on the student appellant by the Vice President for the Student Experience or designated representative.

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- 2.5 **Final Rule:** A final decision either implements a new federal agency regulation, modifies an existing regulation, or rescinds a previous regulation.
- 2.6 **Interim Basis:** Temporarily, not permanently, for a limited amount of time.
- 2.7 **Normal University Communication Channels:** The use of University personnel to deliver a written or oral notification to a student.
- 2.8 **Preliminary investigation:** Is the investigators first response to a report that an alleged infraction occurred. As in every investigative effort, the main objective of the preliminary investigation is to apprehend the offender.
- 2.9 **Preponderance of Evidence:** The standard of proof by which all conduct cases (including sexual misconduct) must be proved. This standard requires information to be gathered and compared with opposing information based on evidence and witness testimony presented is a greater than 50 percent likelihood that the alleged violated the Code of Conduct or University policy.
- 2.10 **Probative effect of Evidence:** Tending to prove a particular proposition or to persuade as to the truth of an allegation.
- 2.11 **Probative Value:** The relative weight of the particular evidence.
- 2.12 **University Personnel:** Any person employed by the University for any purpose.
- 2.13 **University Property:** All land, buildings, equipment, and facilities owned, leased or controlled by the University.

ARTICLE III • Student Rights and Responsibilities

As a means of giving greater content and definition to the important notion of student rights and responsibilities, those identified below shall be recognized as belonging to students of this institution. This enumeration is not intended to be exhaustive, however, nor shall it in any way prevent recognition of additional, different or modified rights and obligations for students through supplementation to this Code, issuance of other University policy, or any alternative appropriate means provided a legitimate reason exists for such additions.

SECTION 1.0

University Community

- 1.1 The University has the right and the responsibility to formulate and disseminate policies to promote the general welfare of the University community. Students have the responsibility to know such policies of the University.
- 1.2 Students shall be represented through the Student Government Association and by serving on committees in those affairs of the University that concern student welfare.
- 1.3 Students shall conduct themselves in a manner which recognizes the rights of others and promotes the welfare of the University community.

SECTION 2.0

Academic Freedoms and Responsibilities

- 2.1 In academic matters students have a right to be governed by justifiable regulations.
- 2.2 Students have a right to an environment conducive to learning and free from distraction. Students are responsible for behavior which is conducive to the teaching/learning process.
- 2.3 Students shall be free to take reasoned exception to data and views offered in the classroom without reprisal provided such exception does not hinder the structured learning process.
- 2.4 Students have a right to grades that represent the instructor's professional judgment.
- 2.5 Students have a right to accurately and clearly stated information which would enable them to determine:
 - 2.5.1 The general requirements for establishing and maintaining an acceptable academic standing.
 - 2.5.2 Their own academic admission status with the University and any special conditions which apply.

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- 2.5.3 The graduation requirements of any particular degree program.
- 2.6 Students have a right to be informed of the content and objectives of a course, the method of evaluation and the relative importance of each test, paper, etc., comprising the total evaluation for the course.
- 2.7 Students are responsible for meeting the requirements of a course according to the standards of performance established by the instructor.
- 2.8 Students have a right to protection against improper disclosure of information acquired by instructors related to the student's grades, views, beliefs, health or character.
- 2.9 Students have a right to seek assistance from an instructor during the instructor's scheduled office hours.
- 2.10 Students have the right to refrain from activities that involve unreasonable risk to the student's physical and mental health.

SECTION 3.0

Educational Records

- 3.1 A student's right of confidentiality in and access to student educational records shall be stated in University policy.
- 3.2 A student's academic transcript and disciplinary records shall be separately maintained. Disciplinary dismissal results in annotation to academic transcript of semester eligible for re-admission.

SECTION 4.0

Freedom of Inquiry and Expression

- 4.1 Students shall be free to examine and to discuss all questions of interest and express opinions.
- 4.2 Students shall be free to support any causes by lawful means. At the same time, it shall be made known that public expression or demonstrations by students or student organizations represent only the views of those making the statement and not the University community.
- 4.3 Discussion and expression of all lawful views is permitted within the institution in public places subject to reasonable time, manner and place required for maintenance of order and to applicable state, federal and local laws. The University retains the right to provide for the safety of individuals, the protection of property, and the community of the educational process in maintaining order.
- 4.4 Recognized student organizations may invite and hear any persons of their own choosing, subject to requirements for use of institutional facilities and subject to the University speakers policy stated in 4.3 above.

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- 4.5 Students have a right to express opinions through student media and they have a responsibility to adhere to the canons of professional journalism.

SECTION 5.0

Student Life

- 5.1 Students shall be free to organize and associate to promote their common interests.
- 5.2 Student organizations are required to publicize information concerning purpose, criteria for membership and a current list of officers.
- 5.3 Recognized student groups may use University facilities, if available, in accordance with normal scheduling policies.

SECTION 6.0

University Housing

- 6.1 A student has the right to be secure in his or her possessions against invasion of privacy and unreasonable search and seizure.
- 6.2 Students shall not violate the rights of other students residing in University residential facilities.
- 6.3 University housing is a privilege and not a right.
- 6.4 Students shall be in compliance with housing regulations and on-campus residency requirements.

SECTION 7.0

Redress of Grievances

- 7.1 In any instance a student's rights as outlined herein are contravened, the student shall have the right to petition for redress of such a grievance through procedures found in Appendix I or II (Title IX) of this document.

SECTION 8.0

In Absentia Consideration of Charges

- 8.1 Charged students or charged student organizations who have received an oral or written summons from an approved University Administrator or University Official to appear for an disciplinary conference/hearing by the appropriate University Administrator and who fail to keep an administrative appointment or who fail to appear without just cause within three (3) class days of the issue of the summons shall forfeit the right to present their case and will have said charges considered in absentia by the appropriate University Administrator. Thereupon, the University Administrator will render a decision on the student charge(s).

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University students who reside off-campus, in university residence halls, or residential living and who are censured in absentia will receive notification from the appropriate University Administrator through the official NSULA student e-mail. Student organizations who are censured in absentia will be sent a notification from the appropriate University Administrator via their University advisor as documented.

SECTION 9.0

Student Due Process and Protection Act

As detailed in House Bill No. 364, "Student Due Process and Protection Act," any student or recognized student organization accused of violating the Student Code of Conduct is entitled to the following:

- a. Informed of their rights.
- b. Receive notice of the alleged violation.
- c. Notified of the evidence the institution used to make the charge.
- d. Presumption of innocence.
- e. Access to an administrative file that contains all non-privileged documents pertaining to the allegation.
- f. Elimination of conflicts of interest among counselors, investigators, institutional prosecutor, and adjudicators.
- g. Right to appeal.
- h. Entitled to legal counsel at your own expense, or a non-attorney advocate.
- i. Opportunity to examine and cross-examine witnesses.
- j. Private right of action against the institution to recover actual damages.

See the following link for the complete bill:

<https://legiscan.com/LA/text/HB364/2022>

ARTICLE IV • Infractions

Every student and student group shall be required to act lawfully and in such a way as not to adversely affect the educational processes of the University or the rights of others. Violation of this general standard shall be considered an infraction of this Code. The following types of conduct are prohibited and individuals found to have committed such infractions by the procedures set forth in this Code shall be subject to sanctions being imposed including but not limited to the sanction of probation, suspension or expulsion from the University.

For violations of academic honesty, a student may receive a grade of zero (0) on the assignment and/or a grade of "F" in the class and will be referred to the Office of Accountability & Student Conduct to create a disciplinary record and/or for additional sanctions.

SECTION 1.0

Academic Infractions

- 1.1 Cheating or deception in any form: Misrepresenting one's mastery of course content or experiential learning as a requirement for a course (i.e., internship, field work, practicum, service-learning, student teaching, clinical experience, etc.).
- 1.2 Plagiarism (including duplicity): Misrepresenting another's words, ideas, phrases, sentences, or data as one's own; the failure to properly acknowledge source material with citations and references; or the submission for credit substantially unchanged work in more than one (1) course.
- 1.3 Misuse of resources: Acquiring or distributing, without permission, any academic material belonging to a member of the University faculty or staff, which includes stealing, selling, posting, buying, or otherwise accessing or sharing any content used to fulfill academic requirements.
- 1.4 Falsification: Submitting false information to deceive, including substituting for another person or permitted another person to substitute for one's self, using another's identification, or forging proctor information.
- 1.5 Facilitating another student's academic dishonesty: Collaborating, conspiring, or cooperating to fulfill academic requirements so as to misrepresent individual effort and knowledge.

SECTION 2.0

Financial Infractions

- 2.1 Failure to promptly meet University-related financial obligations.
- 2.2 Issuance of worthless checks for University-related financial obligations.

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SECTION 3.0

Health and Safety Infractions

- 3.1 Illegal or unauthorized possession or use of firearms, ammunition, explosives, fireworks, or any other dangerous weapon (any instrument that may be used to inflict bodily harm), substance or material of any kind on University property or at any University approved activity.
 - 3.1.1 Possession of a firearm, when in violation of state laws, System policy, or university policy, shall be grounds for dismissal from the university.
- 3.2 Setting a fire or attempting to set a fire on University property without proper authorization.
- 3.3 Unauthorized use, possession, or alteration of fire fighting equipment, alarm devices, security systems, or other emergency or safety equipment.
- 3.4 Swimming or wading in Chaplin's Lake.
- 3.5 The making of a false report of a bomb, fire, or other emergency on or off University property by means of activating an alarm or any other method.
- 3.6 Conduct which threatens or endangers the health and safety of another person or animal.

SECTION 4.0

Informational Infractions

- 4.1 Fabricating, forging, altering, or misusing any University document, record, instrument of identification, etc.
- 4.2 Furnishing false information to the University with the intent to deceive.
- 4.3 Obtaining any service or thing of value from the University by false pretense.
- 4.4 Providing false identification to duly authorized University personnel.
- 4.5 Unauthorized use of or access to information in any forms proprietary to the University.
- 4.6 Theft or abuse of computer time, including but not limited to:
 - 4.6.1 Unauthorized entry into a file, to use, read, transfer, change the contents, or for any other purpose.
 - 4.6.2 Unauthorized use of another individual's identification and password.
 - 4.6.3 Use of computing facilities to access, send, or receive obscene and/or abusive messages.

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- 4.6.4 Use of computing facilities to interfere with the work of another student, faculty member, University official, or to interfere with normal operation of the University computing system.

SECTION 5.0

Organizational Infractions

- 5.1 A student group or organization shall be deemed responsible for infractions committed by individuals where such acts:
 - 5.1.1 Are mandated, sponsored, approved, or encouraged by the group or organization, whether explicit or implicit.
 - 5.1.2 Take place in the context of a tradition, custom or past practice of the group or organization.
 - 5.1.3 Are reasonably foreseeable as a result of an activity carried on by the group or organization.

SECTION 6.0

Personal Conduct Infractions

- 6.1 Disorderly conduct which disturbs the orderly functions and processes of the University and/or infringes on the rights of others.
- 6.2 Intentional interference with the right of access to University facilities.
- 6.3 Intentional obstruction or disruption of teaching, research, administration, disciplinary procedures, or University authorized activities and events.
- 6.4 The intentional interference with the lawful rights of any person on campus.
- 6.5 Loud music, noise, or disruptive conduct.
- 6.6 Physical abuse or threat thereof, verbal abuse, bullying, harassment, domestic or dating violence, intimidation, or coercion against any person.
- 6.7 Sexual misconduct as outlined in the Sexual Misconduct Policy, including but not limited to sexual assault, sexual harassment, dating violence, domestic violence, and/or sexual exploitation.
- 6.8 Stalking which is the repeated following or harassing of another person accompanied by the making of a credible threat with the intent to place that person in reasonable fear of death or serious injury.
- 6.9 Hazing as outlined in the University Hazing Policy, including any action taken or situation created intentionally or unintentionally - with or without consent - that endangers a student or creates risk or injury, produces mental or physical harm, embarrassment, harassment or ridicule

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- whether on or off campus - for the purpose of affiliation with, initiation into, or as a condition of continued membership in any student organization, performance group, or athletic team recognized by the University.

6.10 Violation of a restriction or condition of probation.

SECTION 7.0

Unlawful Acts and Policy Infractions

- 7.1 Failure to comply with any written rule, policy, or regulation of the Board of Supervisors, University, or entity acting on behalf of the University.
- 7.2 Assisting in the violation of any written rule, policy, or regulation of the Board of Supervisors, University, or entity acting on behalf of the University.
- 7.3 Failure to comply with an order or directive of a University Official or entity acting on behalf of the University in the performance of their duties.
- 7.4 Conduct in violation of federal or state statutes or local ordinances.
- 7.5 Retaliation of any kind including a strike back, a form of revenge or adverse reaction, unfair treatment, or discrimination.
- 7.6 Failure to respond to a university summons or to appear for a disciplinary conference or hearing.

SECTION 8.0

Property Infractions

- 8.1 Vandalism, destruction, damage, defacement, abuse, or misuse of public or personal property, whether intentional or by negligence.
- 8.2 Theft, embezzlement, misappropriation, or the unauthorized temporary taking or possession of the property of another, including the property of the University.
- 8.3 Littering on University property.
- 8.4 Unauthorized occupation of, entry on or into University property.
- 8.5 Unauthorized use, possession, duplication, and/or distribution of one (1) or more keys to university property.
- 8.6 Visitation on other college or university campuses, industrial sites, or any property for the purpose of defacing or destroying said property and/or disrupting normal activities of such institutions, or properties.

SECTION 9.0

Substance Infractions

- 9.1 Possession or consumption of alcoholic beverages on university prop-

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erty, during any trip sponsored by the University or University affiliated organization except as provided in university policy.

- 9.2 Unauthorized or illegal possession, use, sale, manufacture, or transportation of narcotics, stimulants, depressants, hallucinogenic, or other controlled substances as defined by state statute.
- 9.3 Public intoxication and/or operation of a motor vehicle or water craft while intoxicated.

SECTION 10.0

Other Infractions

- 10.1 Any conduct not specifically stated herein which adversely affects the educational processes of the University or the rights of members of the University community or others.
- 10.2 Aiding or inciting others to commit any infraction in this Code.

ARTICLE V • Administration of the Student Code of Conduct

The Dean of Students, Student Conduct Officer or a designated representative is responsible for the administration of this Student Code Conduct in a fair and impartial manner. It shall be the responsibility of the Dean of Students and the Student Conduct Officer to see that this code is available to all students and that students subject to actions prescribed in this Code understand their right to due process.

SECTION 1.0

Filing a Complaint

- 1.1 A complaint alleging a student, or an organization committed an infraction(s) of this Code may be filed by any member of the University community or authorized University personnel having knowledge of the infraction(s) based on personal observation or other reliable information. The longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness statements and to make determinations regarding alleged violations.
- 1.2 Complaints must be in writing.
- 1.3 The complaint shall identify the alleged infraction(s), the facts upon which the allegation is based, and shall be signed by the person filing the complaint.
- 1.4 Filing the complaint shall be accomplished by submitting the signed complaint to the Dean of Students, Student Conduct Officer, or any

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member of the Student Experience staff. Though anonymous complaints are permitted, doing so may limit the University's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible.

SECTION 2.0

Preliminary Investigation

- 2.1 Upon receipt of a complaint that a student or an organization has allegedly committed an infraction(s) of this Code, Student Conduct Officer, or designated representative, shall conduct a preliminary investigation. In cases of alleged sexual misconduct, investigators may assist in the investigation process.
- 2.2 If the preliminary investigation indicates the allegation to be unsubstantiated, or insufficient evidence to support reasonable cause, the Student Conduct Officer or designated representative shall dismiss the complaint with no further action.
- 2.3 If the allegation is found to have substance, the Student Conduct Officer or designated representative shall summon the student and conduct a Disciplinary Conference. A substantive allegation may result in a temporary hold on a student's record.

SECTION 3.0

Disciplinary Conference

- 3.1 A Disciplinary Conference with the Director of Accountability and Student Conduct (ASC) or designee may be arranged to explain the nature of the complaint and the conduct process. At this meeting, the responding student may indicate, either verbally or in writing, to the Director of Accountability and Student Conduct (or designee), whether they admit to or deny the alleged code violation(s). As part of the conference, ASC will do the following:
 - a. Interview relevant witnesses;
 - b. Obtain documentary evidence and information that is available;
 - c. Observe physical evidence that is available;
 - d. Analyzing available evidence;
 - e. Make a finding, based on a "Preponderance of Evidence" (whether a policy violation is more likely than not); and
 - f. Present the findings to the responding student, who may:

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- i. Accept the findings, or
- ii. Reject all findings;

3.2 If a decision on the allegation is made and the finding is that the responding student is not responsible for violating the Code, the process will end.

If the University's finding is that the responding student is in violation, and the responding student accepts this finding the University considers this an "uncontested allegation." The administrator conducting the initial Disciplinary Conference or (designee) will then determine the sanction(s) for the misconduct, which the responding student may accept or reject. If accepted, the process ends.

The following options describe how to proceed depending on whether the responding student is found responsible and whether the student accepts or rejects the findings and/or the sanctions either in whole or in part, then it is considered a "contested allegation." The student may choose during the Disciplinary Conference to:

3.2.1 Admit knowingly and willingly to the allegation(s) in writing and waive all further hearings, and right to appeal and agree to accept the disposition of the matter.

3.2.2 Admit knowingly and willingly to the allegation(s) and request an Administrative Hearing.

3.2.3 Deny the allegation(s) in writing and agree to accept the Student Conduct Officer's disposition of the matter without benefit of an Administrative Hearing or right to appeal.

3.2.4 Deny the allegation(s) and request an Administrative Hearing.

3.3 Following the Disciplinary Conference, an Outcome Letter from the Student Conduct Officer, or designated representative shall dismiss the complaint as unsubstantiated; ASC outlining findings, administer appropriate sanctions with deadlines, and processes for an administrative hearing. The outcome of the conference will be provided to the student in writing in a letter through the normal University communication channels via student email, via US mail or by certified mail return receipt requested. The student may appeal a decision resulting from a conference by requesting in writing an Administrative Hearing with the Vice President for the Student Experience within three (3) class days after receipt of notification of the outcome of the conference. A student may request an administrative hearing using the appeals criteria listed:

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- a. New evidence, unavailable during the initial hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
- b. A procedural [or substantive error, the University failed to follow its procedures] occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.); or
- c. The sanctions imposed are substantially disproportionate to the severity of the violation or guidelines set by the University for this type of offense or the cumulative conduct record of the responding student (the sanction is excessive for the infraction).

SECTION 4.0

Administrative Hearing

- 4.1 Notice of an Administrative Hearing shall be in writing through normal University channels or certified mail return receipt requested. The notice shall state the alleged act(s) of the student, the infraction(s) of the Code allegedly committed, date, time, and place of the hearing.
- 4.2 The notice of the hearing shall advise the student of the student's right to an advisor/counsel/advocate (as defined in Article II, Section 1.0) during the hearing and right to view evidence prior to the hearing. In cases of alleged sexual assault or sexual harassment, notice of the hearing shall advise the student of the student's right to an attorney (as defined in Article II, Section 1.1) during the hearing. The role of the attorney is to advise only. Both complainant and respondent are allowed legal counsel.
- 4.3 Legal rules of evidence do not apply (except in cases of sexual misconduct where Preponderance of Evidence is used) in an Administrative Hearing, but the Vice President for the Student Experience or designated representative may use and give probative effect to evidence that possesses probative value and is commonly accepted by a reasonable person.
- 4.4 An administrative hearing shall be scheduled at a reasonable time to allow the student to prepare proper defense.
- 4.5 The Vice President for the Student Experience or designated representative shall set the date, time, place, and make necessary arrangements for the administrative hearing.

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- 4.6 The Vice President for the Student Experience or designated representative, for good cause, may reschedule the hearing.
- 4.7 The hearing procedure shall be informal and provide reasonable opportunity for the student to present a defense and for witnesses to be heard. The respondent student is responsible for notifying any witness of the date, time, and place for the hearing. The names of witnesses and their relationship to the matter must be submitted to the Office of the Vice President for Student Experience ([Administrative or Discipline Appeals Form](#)) in writing in advance of the hearing.
 - 4.7.1 The hearing shall be closed only to those persons directly involved.
 - 4.7.2 The Vice President for the Student Experience or designated representative shall present the University's evidence and call such witnesses as required.
 - 4.7.3 The student shall present any evidence or call such witnesses to present a defense.
 - 4.7.4 The Vice President for the Student Experience or designated representative and/or student may question all witnesses.
 - 4.7.5 The student is given an opportunity to make a final statement.
- 4.8 Within three (3) class days of the conclusion of the administrative hearing, the Vice President for the Student Experience or designated representative may dismiss the allegations as unsubstantiated or impose appropriate sanctions. The notice of decision shall be delivered by normal University communication channels or certified mail return receipt requested. The notice shall include proper appeals procedures.

ARTICLE VI • Appeals Procedures for Article V

A student may appeal a decision to the Vice President for the Student Experience or designated representative, which results in the student receiving the sanction of disciplinary probation, suspension from on-campus classes, suspension or expulsion from the University, or suspension from residing in a University residence hall or for any sanction. Appeals requests are limited to the following grounds:

- a. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;

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- b. A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.);
- c. The sanctions imposed are substantially disproportionate to the severity of the violation or guidelines set by the University for this type of offense or the cumulative conduct record of the responding student organization or individual member(s); or

The student shall submit a written appeal to the Vice President for the Student Experience or designated representative within five (5) class days of receipt of notice of such sanction.

SECTION 1.0

Disciplinary Appeals Committee

- 1.1 The appeals committee shall consist of eleven (11) members, four (4) faculty or staff members and two (2) students appointed by the University President, and two (2) faculty or staff members and three (3) students recommended by the Student Government Association and appointed by the University President. When hearing cases of sexual misconduct, students may be released from the committee.
- 1.2 The University President shall appoint the chairperson. In the absence of the appointed chairperson, the committee shall elect a temporary chairperson.
- 1.3 A quorum shall consist of six (6) members, two (2) of which must be student members.
- 1.4 Faculty or staff members shall serve staggered terms of four (4) years; student members shall serve for their tenure as a full-time student in good standing with the University.
- 1.5 A member unable to serve shall submit a written resignation to the chairperson. A chairperson unable to serve will submit a written resignation to the University President.
- 1.6 The committee may remove a member by simple majority vote for malfeasance, nonfeasance, or misfeasance of the committee's responsibilities.
- 1.7 If a quorum of the committee cannot be assembled to meet timelines required by this Code, the University President shall make the necessary temporary appointments to provide a quorum.

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SECTION 2.0

Chairperson's Responsibilities

- 2.1 The chairperson shall instruct the committee on this Code and hearing procedures. The hearing shall be conducted in the spirit of fair play. Rulings of the chair may be overruled by a two-thirds vote of the members present.
- 2.2 The chairperson presides over the hearing.
- 2.3 The chairperson ascertains that the Vice President for the Student Experience or designated representative and the student have performed their responsibilities.
- 2.4 The chairperson rules on the admissibility of evidence, motions, objections and recognizes committee members for the purpose of questioning.

SECTION 3.0

Student Affairs Administration's Responsibilities

- 3.1 The Vice President for the Student Experience or designated representative, with the concurrence of the chairperson shall establish the date, time, place and provide notice of hearing to all involved persons.
- 3.2 The Vice President for the Student Experience or designated representative shall provide the student with a transcript of the administrative hearing if requested by the student. New evidence and/or names of witnesses, which were unobtainable or unavailable for the administrative hearing, shall also be provided to the student.
- 3.3 The Vice President for the Student Experience or designated representative summons students and/or University personnel to serve as witnesses and ensures that evidence and/or witnesses requested by the student and/or committee are available for the hearing.
- 3.4 The Vice President for the Student Experience or designated representative reports noncompliance with a summons by University personnel to the appropriate vice president.
- 3.5 The Vice President for the Student Experience or designated representative makes necessary arrangements for the hearing, including the recording of the proceedings.
- 3.6 The Vice President for the Student Experience or designated representative shall present the case on behalf of the University.

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SECTION 4.0

Student's Responsibilities

- 4.1 The student shall appear for the hearing on the scheduled date at the prescribed time.
- 4.2 The student shall notify the Vice President for the Student Experience or designated representative in writing three (3) class days prior to the hearing of any documents or witnesses the student wishes summoned on the student's behalf.
- 4.3 At least three (3) class days prior to the hearing, the student shall notify the Vice President for the Student Experience or designated representative if the student is to be advised by an attorney during the hearing.

SECTION 5.0

Notice of Hearing

- 5.1 Notification of the hearing shall be in writing through normal University communication channels via student email, via US Mail or by certified mail addressed to the student at the address appearing in the registrar's records. If the student is a minor, a copy of the letter may be mailed to the student's parents or guardian.
- 5.2 The notice shall specify the date, time, and place of the hearing. The hearing shall not be less than four (4) nor more than ten (10) class days after the date of receipt of notification. The chairperson, for good cause, may postpone the hearing and request the Vice President for the Student Experience or designated representative to notify involved persons of the new hearing date.
- 5.3 The notice shall direct the student to appear and inform the student that failure to do so without good cause will result in the student's forfeiture of the right to appeal.
- 5.4 The notice shall advise the student that the hearing shall be closed and of the student's right to be advised by counsel or attorney and right to present evidence and question witnesses.

SECTION 6.0

Hearing Procedures

- 6.1 The hearing procedures shall be informal in nature and provide reasonable opportunities for witnesses to be heard.
- 6.2 The hearing shall be closed. Person's present shall be limited to the Vice President for the Student Experience or designated representative and

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appropriate staff, immediate family members of the student (maximum of two (2), attorneys or counsels for the student and University, and the committee members. Witnesses shall be sequestered.

- 6.3 The standard of review shall be arbitrary and capricious. The committee shall ascertain whether or not valid reasons for the sanction(s) were substantiated and the procedures followed were consistent in their application.
- 6.4 The committee shall follow the procedures outlined herein:
 - 6.4.1 The Vice President for the Student Experience or designated representative presents the procedures and evidence used to reach the decision.
 - 6.4.2 The members of the committee shall have an opportunity to question the Vice President for the Student Experience or designated representative for points of clarification.
 - 6.4.3 The student shall have an opportunity to explain irregularities or inconsistencies in the procedures and/or application of the rules and regulations.
 - 6.4.4 The members of the committee will have an opportunity to question the student for point of clarification.
 - 6.4.5 The University or the student may present new evidence. Such evidence must have been unavailable for the administrative hearing.
 - 6.4.6 The Vice President for the Student Experience or designated representative shall present the University's final closing remarks.
 - 6.4.7 The student shall make closing remarks.
 - 6.4.8 The Vice President for the Student Experience or designated representative shall make succinct final remarks.
 - 6.4.9 All involved parties including the Vice President for the Student Experience or designated representative shall be excused and the committee shall commence sequestered deliberations.
- 6.5 The committee can uphold the decision of the Vice President for the Student Experience or designated representative, reduce the sanctions imposed by the Vice President for the Student Experience or designated representative vacate the decision of the Vice President for the Student Experience or designated representative due to irregularities in procedures or remand the matter for rehearing to cure procedural irregularities.

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- 6.6 The student shall be notified in writing by normal University communication channels or certified mail return receipt requested of the committee's decision within three (3) class days following the hearing. The notice of decision shall inform the student of the student's right to appeal, in writing, the committee's decision within five (5) class days to the University President.
- 6.7 A student may appeal to the Board of Supervisors if the sanction is one of suspension from the university for a period of one academic year, or if the sanction is of greater severity. For appeals regarding less severe sanctions, the final appeal shall be at the university level. If the student chooses to appeal to the Board of Supervisors after all administrative procedures have been exhausted at the institutional level, the appeal must be written within thirty (30) calendar days of the institution's decision. The Board's review is limited to a determination of compliance with established and appropriate procedures at the institutional level. The student shall be notified of the Board's decision.

The Board of Supervisors conducts reviews of student appeals via materials provided by the student grievant and the university. It consists of an exhaustive examination of procedures followed by the university regarding due process and not the specific details of the grievance matter. The student grievance process does not provide the benefit of hearing by the student directly to the Board of Supervisors.

SECTION 7.0

Disciplinary Records

The Office of Accountability and Student Conduct cases and records are education records of the University and are maintained by ASC. A Student may review and examine their own Disciplinary Record(s). Generally, these records are not available for others to review except in accordance with law. Disciplinary Records are maintained as follows:

- a. Files for suspensions, expulsions, and violent offenses are maintained indefinitely. All other files are maintained for at least five (5) years. At the end of the five-year period, the files may be destroyed in accordance with the University's record disposal policies.
- b. In severe cases of misconduct, a student may be suspended or expelled that separates the Student from the University. System universities shall note such: permanently dismissed, "STUDENT IS INELIGIBLE TO ENROLL" or suspended for a specified period of time, "STUDENT IS ELIGIBLE TO RETURN (semester)(year)" on the

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student's academic transcript and maintained in the Office of the University Registrar unless otherwise stated in the outcome.

- c. Transferring student who is the subject of a pending investigation, the notation on the transcript shall read: "ADMINISTRATIVE MATTER PENDING." For a transferring student for whom a final decision has been rendered and the student has been found to be responsible for sexual misconduct or power-based violence, the notation on the transcript shall read: "STUDENT FOUND RESPONSIBLE IN VIOLATION OF CODE OF CONDUCT" to place the Receiving Institution on notice and trigger an inquiry regarding the notation directed to the Sending Institution. **
- d. All notations are a permanent part of the academic record.
- e. RSO records are kept in accordance with guidelines for individual student records.

ARTICLE VII • Additional Procedures for Violations Penalty of Suspension of Ten (10) or More Days, or Expulsion

SECTION 1.0

Violations by Student

Any student enrolled at the University and accused of a violation of the *Student Code of Conduct* that carries a potential penalty of suspension of ten (10) or more days, deferred suspension, or expulsion has the right to be represented, at the student's expense, by an attorney or a non-attorney advocate who may fully participate during any disciplinary proceeding or during any other procedure adopted and used by the University, including but not limited to an Administrative Hearing or Discipline Appeals Hearing, to address an alleged violation of the University's non-academic rules or policies. This right applies to both the student who has been accused of the violation and to the student who is the alleged victim, if applicable. Prior to scheduling any disciplinary proceeding, the University shall inform the student(s) in writing of their rights as provided by this Section.

**Intra-institutional communication required by Louisiana Revised Statute 17:3399.15 (Act 439 of 2021 Regular Session of the Louisiana Legislature), must be noted if a student is found responsible for a power-based violence offense and has not satisfied the requirements of the institutional sanction.

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SECTION 2.0

Violations by Student Group or Organization

Any registered, official student group or organization at the University which is accused of a violation of the *Student Code of Conduct* that carries a potential penalty of suspension of ten (10) or more days, deferred suspension, or expulsion has the right to be represented, at the group or organization's expense, by an attorney or a non-attorney advocate who may fully participate during any disciplinary proceeding or during any other procedure adopted and used by the University, including but not limited to an Administrative Hearing or Discipline Appeals Hearing, to address an alleged violation of the University's non-academic rules or policies. This right applies to both the student group or organization who has been accused of the violation and to the student who is the alleged victim, if applicable. Prior to scheduling any disciplinary proceeding, the University shall inform the organization and/or student(s) in writing of their rights as provided by this Section.

SECTION 3.0

Notice of Alleged Violations

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

When a violation is punishable by suspension of ten (10) or more days or expulsion, or when a violation by a student organization is punishable by suspension or removal of the organization from the University, the disciplinary procedures shall include but need not be limited to the following:

- 3.1 Afford the accused student or organization the express presumption of innocence and set forth that the student or the organization may not be deemed responsible of the violation until the student or the organization formally acknowledges responsibility or the conclusion of a hearing where the University has established every element of the alleged violation.
- 3.2 The University shall maintain an administrative file of the disciplinary proceedings which shall include all documents and evidence in the University's possession or control relevant to the alleged violation and the University's investigation. The file shall not include privileged

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documents or internal memorandums that the University does not intend to introduce as evidence at any hearing on the matter.

- 3.3 Provide both the accused student or organization and the alleged victim reasonable continuing access to the administrative file and the ability to make copies of all evidence or documents in the file beginning at least seven (7) business days prior to any disciplinary hearing, or sooner if otherwise specified under federal law, except that individual portions of the administrative file shall be redacted if disclosure of the evidence is required by law.
- 3.4 Any student or student organization that is found to be in violation of the University's non-academic rules or policies shall be afforded an opportunity to appeal the University's initial decision to the Discipline Appeals Committee which did not make the initial decision. Such an appeal shall be filed within ten (10) days after receiving final notice of the University's decision. The right to appeal the result of the University's Administrative Hearing also applies to the student who is the alleged victim, if applicable. The decision of the Discipline Appeals Committee shall be the final University authority on the matter; however, nothing in this Section shall prohibit a court from granting a prevailing plaintiff equitable relief.

SECTION 4.0

Discipline Appeals Hearing

Any student or student organization that is found to be in violation of the institution's non-academic rules or policies shall be afforded an opportunity to appeal the University's initial decision to an appellate entity that is an institutional administrator or body that did not make the initial decision.

- 4.1 Such an appeal shall be filed in writing within ten (10) days after receiving final notice of the institution's decision. The right to appeal the result of the institution's disciplinary proceeding also applies to the student who is the alleged victim, if applicable. The University may designate the appellate entity as the final institutional authority on the matter; however, nothing in this Section shall preclude a court from granting a prevailing plaintiff equitable relief.
- 4.2 The right of the student or student organization as provided in Article VII, Section 1.0 of this Section to be represented, at the student's or the organization's expense, by the student's or the organization's attorney or non-attorney advocate also applies to the appeal.

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

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

SECTION 5.0

Alleged Victim Rights

The University maintains the obligation to provide equivalent rights to a student who is the alleged victim in the disciplinary proceeding, including equivalent opportunities to have others present during an institutional disciplinary proceeding, to an unrestricted choice of attorney or non-attorney advocate (at the victim's expense) in any meeting or Administrative Hearing or Discipline Appeals Hearing, and to be provided simultaneous notification of the University's procedures for the accused and the alleged victim to appeal the result of the University's Administrative Hearing, if applicable.

SECTION 6.0

Interim Measures

Nothing in this Section shall be interpreted to impair the University's ability to take reasonable interim measures necessary to ensure the physical safety of members of the campus community during a timely investigation and adjudication of a student disciplinary issue including but not limited to the ability to make adjustments in student housing arrangements, impose conditions of mutual no-contact between the accused student and the alleged victim, temporarily suspend a student, or ban a student from campus. Such reasonable interim measures shall require the following:

- 6.1** Within seventy-two (72) hours of the alleged violation being deemed an immediate threat, written notice of the interim measure that explains the University's reasons for enacting the measures.
- 6.2** Within seven (7) business days of the written notice of the interim measure, unless otherwise waived by the accused student, an interim measure hearing to determine whether there is substantial evidence that the student poses a risk to the physical safety of a member of the

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campus community and that the interim measure is appropriate to mitigate that risk. At the hearing, both the accused student and the alleged victim shall have the right to be represented as described in this Section. An accused student's waiver of the right to an interim measure hearing shall not constitute an admission of guilt or a waiver of any additional rights provided for in this Section.

ARTICLE VIII • Sanctions

An individual or student organization committing an infraction(s) of this Code shall be subject to sanctions outlined, but not limited to, in this article. A sanction may be imposed alone or in conjunction with one (1) or more additional sanctions. Sanctions described are categorized as sanctions for disciplinary misconduct, academic misconduct, and organization misconduct. Students are subject to grade changes, dismissal from classes, and referral to student conduct as per the faculty member where academic conduct is alleged. To appeal a grade, students should follow the appeal procedure outlined in the University Catalog.

SECTION 1.0

Sanctions for Disciplinary Misconduct

- 1.1 ***Expulsion:** Permanent, involuntary forced withdrawal from the University. Upon expulsion, the expelled student is banished from the campus.
- 1.2 ***Suspension:** Involuntary forced withdrawal from the University for a specified period of time determined on an individual case basis. During any period of suspension, campus access of the suspended student is limited to written permission in advance from the Student Conduct Officer or designee.
- 1.3 **Voluntary Withdrawal:** Option offered to a student to voluntarily withdraw from the University upon condition that readmission not be sought for a specified period of time. Upon voluntary withdrawal, campus access of the withdrawn student is limited to written permission of the Student conduct officer or designee (banishment).
- 1.4 **Probation:** Placement of that student in a probationary status for a specified period of time. Restrictions, which accompany probation, shall be determined on a case by case basis. Probation shall also indicate that further infractions of the Code may result in suspension or expulsion from the University.

*Students and student organizations accused of committing non-academic offenses have the right to counsel for disciplinary proceedings and appeals; refer to the "[Student Due Process and Protection Act](#)."

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- 1.5 **Restriction of Privileges:** Denial withdrawal or limitation of one or more privileges made available for students by the University for a specified period of time.
- 1.6 **Work Reparation:** An option which can be used in lieu of restitution, probation or fine.
- 1.7 **Fine:** An order that the student pays the University a designated sum of money in view of the type of offense.
- 1.8 **Restitution:** An order that the student make a compensatory payment to an appropriate party for damages to property, loss of funds, or medical bills as a result of the act of battery.
- 1.9 **Educational Alternative:** An order or option that the student issue an apology, carry out research, participate in counseling, attend a seminar, or perform any other reasonable assignment intended to have an educational effect.
- 1.10 **Censure:** An official, written reprimand, which includes a notification that further instances of misconduct within a stated or indefinite period of time may result in more severe disciplinary action.
- 1.11 **Warning:** A written or oral notice to the student that a continuation or repetition of a specific conduct may be cause for further and more severe disciplinary action.
- 1.12 **Bar Against Readmission:** Imposed on a student who has left the University and has action pending on allegations of disciplinary misconduct. Sanction terminates on resolution of the matter of disciplinary misconduct.
- 1.13 **Residence Hall Suspension:** Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- 1.14 **Residence Hall Expulsion:** Permanent separation of the student from the residence halls.

SECTION 2.0

Sanctions for Academic Misconduct

- 2.1 **Expulsion:** Permanent, involuntary forced withdrawal from the University, which limits the student's access to the campus to written permission from the Student Conduct Officer or Dean of Students.
- 2.2 **Suspension:** Involuntary forced withdrawal from the University for a specified period of time determined on an individual case basis, which limits the student's access to the campus to written permission from the Student Conduct Officer or Dean of Students. During any period

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of suspension campus access of the suspended student is limited to written permission in advance from the Dean of Students.

- 2.3 **Voluntary Withdrawal:** Option offered to a student to voluntarily withdraw from the University, which limits the student's access to the campus to written permission from the Vice President of Student Experience or designated representative, upon condition that readmission not be sought for a specified period of time.
- 2.4 **Forced Withdrawal from Course:** Involuntary forced withdrawal from the course in which the offense occurred without credit for the course.
- 2.5 **Voluntary Withdrawal from Course:** Option offered to a student to voluntarily withdraw from the course in which the offense occurred without credit for the course.
- 2.6 **Probation:** Placement of the student in a probationary status for a period of time. Restrictions which accompany probation shall be determined on a case by case basis. Probation shall also indicate that further infractions of the Code may result in suspension or expulsion from the University.
- 2.7 **Change in Course Grade:** Change in grade of the course in which the infraction occurred. Required approval of the Dean of the College of the student's major.
- 2.8 **Change in Assignment Grade:** Change of grade for the theme, report, term paper, essay, either written work, painting, drawing, sculpture, or other art work in which the infraction occurred.
- 2.9 **Censure:** An official, written reprimand, which includes a notification that further instances of misconduct within a stated or indefinite period of time may result in more severe disciplinary action.
- 2.10 **Warning:** A written or oral notice to the student that a continuation or repetition of a specific conduct may be cause for further and more severe disciplinary action.
- 2.11 **Bar Against Readmission:** Imposed on a student who has left the University and has action pending on allegations of academic misconduct. Sanction terminates on resolution of the matter of academic misconduct.
- 2.12 **Educational Alternative:** An order or option that the student issue an apology, carry out research, participate in counseling, attend a seminar, or perform any other reasonable assignment intended to have an educational effect.

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SECTION 3.0

Sanctions for Organizational Misconduct

Actions are not limited to the following listing

- 3.1 ***Deactivation:** Termination of University recognition of the organization permanently or for an indefinite period of time. Reapplication for an organization deactivated for an indefinite period of time shall not be permitted within two calendar years from the date of deactivation.
- 3.2 ***Suspension:** Denial to the organization of access to University facilities, services, and any other privileges granted to organizations recognized by the University for a specified period of time not to exceed two years.
- 3.3 **Probation:** Placement of the organization in a probationary status for a designated period of time. Restrictions, which accompany probation, shall be determined on an individual basis. Probation shall also carry with it a warning that further infractions of the Code may result in suspension or expulsion.
- 3.4 **Restriction of Privileges:** Denial, withdrawal or limitations of one or more privileges made available by the University to organizations for a designated period of time.
- 3.5 **Fine:** An order that the organization pays the University a designated sum of money.
- 3.6 **Work Reparation:** An option offered to the organization, usually in instances in which restitution to the University is an appropriate sanction, and members of the organization perform work for the University without pay.
- 3.7 **Restitution:** An order that the organization makes a compensatory payment to an appropriate party for damage to property or loss of funds. In the case of property damage, restitution shall be limited to the actual cost of repairs or replacement.
- 3.8 **Educational Alternative:** An order or option that the organization participate in a workshop or carry out any other reasonable assignment intended to have an educational effect.
- 3.9 **Censure:** An official, written reprimand, which includes a notification that further instances of misconduct within a stated or indefinite period of time may result in more severe disciplinary action.

*Students and student organizations accused of committing non-academic offenses have the right to counsel for disciplinary proceedings and appeals; refer to the ["Student Due Process and Protection Act"](#)

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- 3.10 Warning:** A written or oral notice to the organization that a continuation or repetition of a specific conduct may be cause for further and more severe disciplinary action.

ARTICLE IX • Interim Suspension

Under certain exigent circumstances, expedited, temporary suspension of a student may be necessary or appropriate. The following policies and procedures shall govern such suspensions.

SECTION 1.0

Circumstances for Use

- 1.1 A student may be suspended on an interim basis without benefit of due process procedures as previously outlined in Article V of this Code where the student's continued presence is a viable threat to the safety of other members of the University community and/or substantially interferes with the University's educational processes.
- 1.2 A student may be suspended on an interim basis without benefit of due process procedures as previously outlined in the Code where the student's continued presence poses a viable threat to the student and the university cannot guarantee the student's safety or the student's presence substantially interferes with the University's educational processes.

SECTION 2.0

Procedures

- 2.1 An interim suspension may be imposed by the Student Conduct Officer or designee.
- 2.2 The student shall be given written notice of the imminent possibility of suspension and opportunity to appear before the Student Conduct Officer or designee.
- 2.3 The Student Conduct Officer or designee shall provide the President with a written rationale for the need to suspend a student on an interim basis and provide the student with a copy of such rationale.

SECTION 3.0

Length of Interim Suspension

- 3.1 An interim suspension shall remain in effect pending completion of the normal disciplinary process.
- 3.2 The Student Conduct Officer or designee shall have the authority to modify the terms of an interim suspension.

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SECTION 4.0

Other Interim Sanctions

- 4.1 The Student Conduct Officer or designee shall have the authority to impose any lesser sanction on an interim basis in accordance with these procedures.
- 4.2 A student organization shall be subject to interim sanctions under the same circumstances and procedures as an individual student.

ARTICLE X • SEXUAL MISCONDUCT FORMAL COMPLAINT RESOLUTION PROCEDURE

Complaint Filed Against a Student

Formal Complaint Resolution

- The Title IX Coordinator receives and reviews the complaint. The Complaint Form should be completed and signed by either the Complainant or the Title IX Coordinator on behalf of the Complainant.
- A “formal complaint” is defined as a document filed by a complainant or signed by the Title IX Coordinator alleging a form of sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.
- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.
- A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator. Complaints may be filed electronically at <https://www.nsula.edu/studentexperience/notalone/>

Note: Title IX/Power-Based Violence – Northwestern State University ([nsula.edu](https://www.nsula.edu))

- The phrase “document filed by a complainant” means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the school) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- While the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process and must comply with requirements for Title IX personnel to be free from conflicts and bias.

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- Once the Title IX Coordinator receives a complaint, the Respondent will be called to a meeting with the Title IX Coordinator and informed of the Complaint. The Complainant and Respondent may be issued supportive measures, including but not limited to, a mutual no contact order (not restraining orders), classroom accommodations, etc., as an interim measure although this is not a judicial finding.
- The burden of gathering evidence and burden of proof must remain on the school, not on the parties.

Investigations

- A trained and unbiased investigator conducts the investigation. The investigation is a review of the incident description, file history, evidence, and patterns. The Title IX Coordinator/Investigator will interview the complainant, respondent, and witnesses, and ask for supporting written documentation.
- The University must provide equal opportunity for the parties to present facts and expert witnesses and other inculpatory and exculpatory evidence.
- The University must not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no “gag orders”).
- Parties must have the same opportunity to select an advisor of the party’s choice who may be, but need not be, an attorney.
- The University must send written notice of any investigative interviews, meetings, or hearings.
- The University must send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.
- The University must send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
- The University must dismiss allegations of conduct that do not meet the Final Rule’s definition of sexual harassment or did not occur in a school’s education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude the school from addressing the conduct in any manner the school deems appropriate.
- The University may, in their discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

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- The University must give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
- The University may, in their discretion, consolidate formal complaints where the allegations arise out of the same facts.
- The Final Rule protects the privacy of a party's medical, psychological, and similar treatment records by stating that schools cannot access or use such records unless the school obtains the party's voluntary, written consent to do so.
- Both parties will be instructed not to conduct their own investigation and to provide any relevant information, such as a list of potential witnesses, to the Title IX Coordinator. Instructions are also provided regarding the confidentiality of information and how to review files. Instructions are also provided regarding the confidentiality of information and how to review files.
- A trained and unbiased investigator will conduct all Title IX investigations.

Hearings

- The decision, by the Chief Executive Hearing Officer, will be substantiated using the preponderance of evidence standard. A Determination can also be made that the allegations, while made in good faith, were not true.
- The Chief Executive Hearing Officer (who cannot be the same person as the Title IX Coordinator or the Investigator) must issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.
- The written documentation must be sent simultaneously to the parties along with information about how to file an appeal.

Appeals

- The University must offer both parties an appeal from a determination regarding responsibility, and from the institution's dismissal of a formal complaint or any allegations therein, on the following bases: (1) procedural irregularity that affected the outcome of the matter, (2) newly discovered evidence that could affect the outcome of the matter, or (3) a member of the Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.
- Either party may appeal. Appeals shall be in writing and provided to the next appellate within five (5) University business days (by 5:00 p.m. on the fifth (5th) day) of receipt of the Letter of Determination.
- If either party submits a written Appeal of the Determination Letter, an Intent to Appeal Letter will be sent to both parties by the appropriate appellate

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within two (2) University business days (by 5:00 p.m. on the second (2nd) day).

Supportive Measures

- According to the Final Rule, “supportive measures” are defined as individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designated to ensure equal educational access, protect safety, or deter sexual harassment.
- The Final Rule evaluates a school’s selection of supportive measures and remedies based on what is not clearly unreasonable in light of the known circumstances, and does not second guess a school’s disciplinary decisions, but requires the school to offer supportive measures, and provide remedies to a complainant whenever a respondent is found responsible.
- Examples of supportive measures include, but are not limited to, supportive counseling services, mutual no contact orders, class accommodations, residential accommodations, etc.

Transfer Student

- If a student accused of a sexually oriented criminal offense seeks to transfer to another institution during an investigation, the University shall withhold the student’s transcript until a determination is made.
- If a student is found responsible for a sexually oriented criminal offense and seeks to transfer to another institution, the University is required to communicate such a violation to the institution(s) to which the student is attempting to transfer.

APPENDIX I – Student Grievance/Complaint Against NSU Employee (Non-Title IX)

Procedure for resolution of a student's grievance/complaint or that of members of a student organization, unless otherwise specified, shall begin with the person with whom the student has a complaint. If the issue cannot be resolved at this level, the matter may be pursued through the appropriate administrative chain, the immediate supervisor of the person with whom the student has a complaint. At any time, a student may end a complaint or convert from informal to formal or convert from formal to informal.

All student complaints against a Northwestern employee should be directed to the Dean of Students office or the designated representative.

The Dean of Students shall:

- Consult with students in the process;
- Advise if complaint is formal or informal; written complaints are considered formal and shall be initiated via the *Notice of Formal Complaint* form;
- Determine the correct path to resolution;
- Seek investigative assistance as needed;
- Maintain all records;
- Consult with appropriate offices for assistance during the process; and
- Assign advocates as requested.

The Path to Resolution Grievances against...

- Faculty member should initially be pursued through the Department Head, then the Dean of the College, the Provost, and finally the President.
- Staff member should be pursued through the immediate supervisor of the person and then the subsequent chain of command to the Vice President of the area and finally the President.
- Vice President may be pursued through the President and the Board of Supervisors.
- President should be pursued through the Board of Supervisors.

Informal Resolution: If the complaint is informal in nature, the student may attempt to resolve the issue through meetings with the person with whom they have a complaint or the immediate supervisor of that person and continue up the chain of command. When the student is not comfortable with the person with whom they have the complaint, they may go first to the immediate supervisor. Informal resolutions may result in a written agreement. Advocates may be assigned in the informal complaint process.

Formal Resolution: Formal Complaints/Grievances shall be submitted on *Notice of Formal Complaint* form. Students may contact the Dean of Students to assist

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in the grievance process. The Dean of Students may assign an advocate for the student. Advocates assist during the process and may attend meetings or review written documents. In the formal process, written responses are requested.

Initial Complaint Review: The *Notice of Formal Complaint* form shall provide the appropriate person a written statement of grievance, setting forth the nature of the grievance, the pertinent facts, and the remedial action desired. Any other relevant material shall also be presented. Under normal circumstances, the student shall receive a written response from said person within five (5) class days of the letter's receipt of the grievance statement. The Dean of Students may allow for additional time at any point in the process when extraordinary circumstances exist.

The Response Shall be One of the Following:

- a. A decision in favor of the student.
- b. A decision supporting the previous action.
- c. A statement of compromise agreed to in a discussion with the parties involved and signed by them.
- d. A recommendation to the person's immediate supervisor, with a copy to the student; or an explanation for delaying the decision (unless previously specified by the Dean of Students) for an additional five (5) class days, followed by a response as in (a)-(c) above by the end of the additional five (5) class days.
- e. Information in agreements is private. Personnel information for employees, in some circumstances, may not be shared and may not be included in the agreement. Northwestern may ask parties involved to a sign Non-Disclosure Agreement (NDA).

Resolution Procedures: If at any level, a student does not receive a response in the manner stated above, the student may, within five (5) class days submit the complaint/grievance to the appropriate administrator at the next level.

- a. The procedure will be the same as described above. The failure of an administrator to respond will therefore not preclude a student addressing the grievance to the next level.
- b. If the student believes that a satisfactory resolution of the grievance has been reached at any level, the process shall be concluded, and no further action taken by any party.
- c. If after exhausting the administrative chain, a student still believes that there is just cause for the grievance, the student may seek redress from the University President.
- d. When the matter is presented in writing to the President, the President may review the case in person, review case files only, or ask for a second review by the VP for the area in question.

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- e. The President shall render a final decision within 15 class days of receipt of the grievance.
- f. A student may appeal to the Board of Supervisors within 30 days of the last decision if the grievance is against the President or a Vice President. The Board's review is limited to review of written materials and the determination of compliance with established and appropriate procedures.

Notes:

- Except for appeals going to the ULS Board, students must inform the Dean of Students and NSU employees of their decision to accept a resolution or move to an appeal within five (5) class days of the employee's response. Unanswered responses will be considered resolved.
- Students may file a grievance or complaint related to a Northwestern policy or procedure by following the same processes stated above. Student complaints related to policy will be heard in the area owning or housing the policy. The Dean of Students will assist in students in the process.

Meetings, formal or informal, when agreed upon by all parties, may be conducted virtually.

APPENDIX II • Sexual Misconduct Complaint Against NSU Employee Formal Complaint Resolution Procedure

Complaint Filed Against an Employee

Formal Complaint Resolution

- The Title IX Coordinator receives and reviews the complaint. The Complaint Form should be completed and signed by either the Complainant or the Title IX Coordinator on behalf of the Complainant.
- A "formal complaint" is defined as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.
- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.
- A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator.
- The phrase "document filed by a complainant" means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the school) that contains the complainant's physical or

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digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

- Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process and must comply with requirements for Title IX personnel to be free from conflicts and bias.
- Once the Title IX Coordinator receives a complaint, the Respondent will be called to a meeting with the Title IX Coordinator and informed of the Complaint. The Complainant and Respondent may be issued supportive measures, including but not limited to, a mutual no contact order, classroom accommodations, etc., as an interim measure although this is not a judicial finding.
- The burden of gathering evidence and burden of proof must remain on the school, not on the parties.

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- The University must provide equal opportunity for the parties to present facts and expert witnesses and other inculpatory and exculpatory evidence.
- The University must not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no “gag orders”).
- Parties must have the same opportunity to select an advisor of the party’s choice who may be, but need not be, an attorney.
- The University must send written notice of any investigative interviews, meetings, or hearings.
- The University must send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.
- The University must send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
- The University must dismiss allegations of conduct that do not meet the Final Rule’s definition of sexual harassment or did not occur in a school’s education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude the school from addressing the conduct in any manner the school deems appropriate.
- The University may, in their discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing

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that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

- The University must give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
- The University may, in their discretion, consolidate formal complaints where the allegations arise out of the same facts.
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Hearings

- The decision, by the Chief Executive Hearing Officer, will be substantiated using the preponderance of evidence standard. A determination can also be made that the allegations, while made in good faith, were not true.
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- The written documentation must be sent simultaneously to the parties along with information about how to file an appeal.

Appeals

- The University must offer both parties an appeal from a determination regarding responsibility, and from the institution's dismissal of a formal complaint or any allegations therein, on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter or that sanction was disproportionate to the violation.

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- Either party may appeal. The appeals shall be in writing and provided to the next appellate within five (5) University business days of receipt of the Letter of Determination.
- If either party submits a written Appeal of the Determination Letter, an Intent to Appeal Letter will be sent to both parties by the appropriate appellate within two (2) University business days.

Supportive Measures

- According to the Final Rule, “supportive measures” are defined as individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designated to ensure equal educational access, protect safety, or deter sexual harassment.
- The Final Rule evaluates a school’s selection of supportive measures and remedies based on what is not clearly unreasonable in light of the known circumstances, and does not second guess a school’s disciplinary decisions, but requires the school to offer supportive measures, and provide remedies to a complainant whenever a respondent is found responsible.
- Examples of supportive measures include, but are not limited to, supportive counseling services, mutual no contact orders, class accommodations, residential accommodations, etc.

APPENDIX III • Involuntary Withdrawal Due To Severe Psychological Disturbance

Northwestern State University is committed to offering an educational opportunity to all students. However, when a student constitutes a threat to the health, safety and welfare of the student, or others, or to University property, or is unable to effectively pursue academic studies because of maladaptive behavior which is disruptive to the educational process of the University, the student may be withdrawn from the University. Such withdrawal should follow the procedures prescribed herein.

Involuntary withdrawal for medical reasons will be undertaken when the student exhibits behavior resulting from severe psychological disturbance as documented by a licensed psychologist, psychiatrist or counselor.

Conditions for involuntary withdrawal include:

- Behaviors either voluntary and/or involuntary that violate the Student Code of Conduct.
- Behavior that poses an actual direct threat to the health or safety of other members of the University community.

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- When the University is no longer able to guarantee a safe environment for the student after all reasonable interventions and accommodations have been made to provide the student support and protection.
- Behavior that is so disruptive to other members of the University community that it disrupts or derails the educational process interfering with the rights of others to learn and meet their educational goals.

A student shall be summoned in writing to attend a conference with the Dean of Students or Student Conduct Officer and any person the Dean of Students requests as a consultant. The notice shall include:

- A statement of the reasons for the conference.
- A statement that if the appropriate professional staff and/or consultant recommends the student to be involuntarily withdrawn from the University, the student has the option to voluntarily withdraw from the University while waiving any rights to a hearing or to request a hearing.
- A statement advising the student that the election of a hearing waives the student's confidentiality rights to medical and psychological records for the purpose of the hearing.
- A statement outlining the rights of the student as provided herein. The purposes of the conference with the Student Conduct Officer or Dean of Students are:
 - To review with the student the incidents.
 - To assess the degree of the problem.
 - To determine whether the individual will be referred immediately to the appropriate professional staff or consultant for an interview and, if so, advise the student that refusal to participate in the interview will subject the student to suspension from the University.
 - To review the rights of the student as cited herein.
 - To afford the student the right to choose voluntary withdrawal from the University or request a hearing before the committee on Involuntary Withdrawal. If an administrative referral is made, and whenever possible, the student will be accompanied to the interview by an appropriate professional staff member. The professional staff member or consultant conducting the interview shall make a determination concerning the degree of psychological disturbance and advise the Student Conduct Officer or Dean of Students of the appropriate action.

The student shall be afforded the following rights when a hearing is requested before the committee on Involuntary Withdrawal:

- A written letter of the time and place of the hearing at least three (3) class days prior to the hearing. The letter will also advise the student of the stu-

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dent's right to an attorney as defined in the University Student Code of Conduct and inform the student that if the student chooses to have an attorney present during the hearing, the student is required to notify the Student Conduct Officer or Dean of Students at least two (2) days prior to the hearing. Additionally, the letter shall inform the student that the student's representative shall be limited to advising the student during the proceeding.

- The right to present witnesses and evidence on behalf of the student and to question witnesses and challenge evidence presented by the University.
- The right to appeal the decision of the committee to the University President within five (5) class days of receipt of the committee's decision. The appeal is limited to grounds of prejudicial procedural error or actions which are arbitrary and capricious. The decision to appeal will not stay initiation of the withdrawal. The President shall notify the Student Conduct Officer or Dean of Students and the student within five (5) days of receipt of the appeal.

If a hearing is requested before the Committee on Involuntary Withdrawal, a hearing shall be arranged within five (5) class days. The committee is appointed by the President and includes but is not limited to a staff counselor, a member of the psychology department faculty, faculty member from the social science department and the Student Conduct Officer or Dean of Students shall serve in an ex-officio capacity. The committee shall determine by substantial weight of the evidence:

- Whether the student exhibits behavior cited herein.
- Whether the student should be involuntarily withdrawn.

On determination that involuntary withdrawal is necessary, and in turn carried out, the conditions for readmission are specified and depend on a psychological evaluation by a psychiatrist and a medical clearance being submitted for review by appropriate University professional staff and/or consultant.

A student may be removed immediately from University property as provided in Article VIII of the University Student Code of Conduct pending initiation of the above procedures.

The Student Handbook is published by The Dean of Students, in conjunction with The Division of Student Experience at Northwestern State University. The information in this handbook was collected and compiled in the Summer of 2023. Since the programs and services contained herein are subject to continuous review and evaluation, the University reserves the right to make changes at any time without notice. This publication, therefore, is intended for information only.



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