



NORTHWESTERN STATE
UNIVERSITY OF LOUISIANA

A Northwestern State University education is
personal, valuable, and impactful.



STUDENT CODE OF CONDUCT 2025-2026

CODE OF CONDUCT

NORTHWESTERN STATE UNIVERSITY

Student Code of Conduct

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ARTICLE I: INTRODUCTION

Northwestern State University has an educational mission, with programs and activities that promote 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 facilitate this educational mission.

University policies are designed to preserve and enhance the university's ability to function effectively and efficiently as an academic institution. These policies recognize rights and responsibilities for all university community members and are aligned with the University's Core Values.

- **Our students are our priority.** We provide each student with transformational and experiential learning experiences to assist in the development of an ever-growing individual, scholar, and professional.
- **Diversity helps define who we are.** We welcome and respect all traveling on a journey for knowledge. Differences make us stronger.
- **We are future focused.** We are in constant search of individual and organizational improvement by seeking new, inclusive, and innovative opportunities to develop our students and improve our University.
- **Innovation is leading the forward edge of change.** We strive to be at the forefront of all we do.
- **We honor and respect the ideals of freedom.** We protect the freedom of all members of our community to seek truth and express their views.
- **We are careful stewards.** We responsibly and sustainably manage the economic and natural resources entrusted to us.

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- **Integrity is our cornerstone.** We hold ourselves to the highest ethical standards as educators, scholars, students, and professionals.
- **We are a team.** We are a collaborative community that focuses on ensuring the success of every member.

These guiding principles provide the framework and the philosophy behind the Student Code of Conduct (“Code”).

This Code supports the university’s educational mission by protecting the vital processes, resources, and community interests. Policies and procedures within the Code are designed to promote a campus environment conducive to learning and educational pursuits. This Code seeks to ensure that students enjoy all proper rights, without undue infringement by others.

Students, as members of the community at large, are entitled to the freedoms and rights guaranteed by the Constitutions of the United States and the State of Louisiana. As members of the university community, students also have rights particular to an institution of higher learning. These rights and responsibilities are further discussed in Article IV (“Student Rights and Responsibilities”) of this Code.

Northwestern State University of Louisiana students are responsible for becoming and staying familiar with the Student Code of Conduct.

NSU reserves the right to change this code as necessary, and it will be implemented once those changes are posted online.

ARTICLE II: CONDUCT AUTHORITY

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. Authority is further delegated to the Vice President for The Student Experience and Dean of Students (VPSE & DoS), who administers this Code for the University. University Officials are trained faculty/staff members designated by the Office of Accountability and Student Conduct. The Code is published and made available to all University students.

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Upon admission, a student shall be deemed to have accepted the conditions and obligations stated herein, in 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 students and Recognized Student Organizations. In addition to student conduct on university property, conduct off-campus shall be fully within the scope of this Code, when applicable. The University shall follow the Accountability Process when the alleged conduct directly and/or adversely affects the mission of the institution or the University community.

Section 1.0 Jurisdiction of the University

- 1.1 University jurisdiction and discipline applies to behaviors that take place on the campus, at university-sponsored events, and may also apply off-campus when the Conduct Officer or designee determines that the off-campus conduct affects a substantial university interest. A substantial university interest includes any of the following circumstances:
 - 1.1.1 The Complainant of such offense is a member of the university community (e.g., student, faculty, staff, administrator, contractor).
 - 1.1.2 The offense occurred at university-sponsored or sanctioned event (e.g., Greek houses, athletic events).
 - 1.1.3 The Respondent used his or her status as a member of the university community to assist in the commission of the offense (e.g., using another student's I.D. card to gain access into the WRAC).
 - 1.1.4 The offense seriously impairs the educational mission and/or interests of the University (e.g., armed drug dealer arrested downtown).
 - 1.1.5 Any situation where it appears that student's conduct or behavior may present a danger or threat to the health, safety, or well-being of him/herself or others.
- 1.2 The University asserts an interest in the conduct of its students and expects students to observe University regulations and obey the law at all times, whether on University property or in

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the community at large, throughout the period in which they seek admission to, are admitted to, are enrolled in, or seeking continuing enrollment in the University. Students may be subject to disciplinary action by the University for any conduct that violates university regulations or civil and criminal laws, regardless of location, wherein the conduct occurs, whether on or off-campus.

- 1.3 Students are accountable for the conduct of their guests on-campus or at university-sponsored or controlled events, functions, and locations including, but not limited to student housing, entertainment venues, and athletic venues.
- 1.4 The University has designated the Title IX Coordinator to administer the University's Power Based Violence and Sexual Misconduct Policy and Procedures. These policies govern complaints of sexual discrimination, sexual harassment, sexual assault, stalking, and dating and domestic violence. Nothing in these regulations should be read to contradict or superseded those policies.

Section 2.0 Violation of Law and University Discipline

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings.

- 2.1 A student cited with an off-campus violation of federal, state, or local laws, but not with any other violation of the Code, may be subject to disciplinary action. Outcomes may be imposed for misconduct that is detrimental to or demonstrates disregard for the university community and/or its pursuit of university objectives.
- 2.2 The Accountability Process may be instituted against a student cited for violation of a law that is also a violation of this Code if both violations result from the same factual situation, without regard to pending civil litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

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- 2.3 An individual whose conduct violates federal, state, or local law, as established by clear and convincing evidence as outlined herein, need not be criminally charged or convicted for their conduct to be deemed a violation of the Code.
- 2.4 When a student is cited by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also the subject of a proceeding under the Code, however, the University may advise off-campus authorities of the existence of the Code and of how such matters will be handled internally within the university community. The University will cooperate fully with law enforcement and other agencies in the enforcement of the law and in the conditions imposed by courts for the rehabilitation of student violators.
- 2.5 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 Outcome(s).

Section 3.0 Review of Student Code of Conduct

- 3.1 The Student Code of Conduct shall be reviewed annually or as needed. Students, faculty, staff, and administrators are included on the review committee. Recommendations for revisions shall be submitted to the VPSE & DoS for consideration and approval.

ARTICLE III: DEFINITIONS

Terms and phrases when used in this "Code" have the following meanings:

Section 1.0 Terms

- 1.1 **Absentia.** The student/RSO involved is not present for any meetings within the disciplinary process.

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- 1.2 **Academic Integrity/Misconduct.** Those violations detailed in the Code that are specific to Academic student behavior. Certain conduct may constitute both Academic and Behavioral Misconduct.
- 1.3 **Accountability and Student Conduct (ASC).** The Office responsible for the implementation and administration of the Student Code of Conduct and Accountability Process.
- 1.4 **Accountability Conference.** An opportunity for a student/RSO to address the allegations and charges with University Official(s).
- 1.5 **Accountability Outcome.** An accountability resolution and any requirements, restrictions, or changes in status assigned to the student/RSO by University Official(s). These Accountability Outcomes are individually defined in Article IX of this Code.
- 1.6 **Accountability Summons.** The notification of the Accountability Hearing or Conference delivered in writing to the student's NSU email address.
- 1.7 **Adjudicator.** The trained employee who presides and arbitrates during a Hearing. The adjudicator may or may not be a member of the University Community.
- 1.8 **Advisor/Advocate.** A person who is chosen by a student/RSO to accompany the student/RSO to meetings related to the Accountability Process, to advise the student/RSO on that process, and to conduct cross-examination at the Hearing, if any. The person may or may not be an attorney. If the student/RSO secures an attorney, the student/RSO is responsible for any attorney fees.
- 1.9 **Banned.** Prohibited from accessing university property(ies), activities, or events.
- 1.10 **Clear and Convincing (LA HB174).** A standard of proof in which the evidence is highly and substantially more likely to be true than untrue. This is a higher standard of proof than "proof by a preponderance of the evidence", but it does not require "proof beyond a reasonable doubt." (Reference: LA HB174)

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- 1.11 **Complainant.** A person making allegations that another individual or organization has committed a wrong against them.
- 1.12 **Conduct Officer.** A person who administers the disciplinary process governing students and visitors at the University.
- 1.13 **Determination Letter.** A formal document issued by University Official(s) stating the Findings and Outcomes of the Accountability Conference, Appeal Request, or Appeal Review.
- 1.14 **Disciplinary Appeal Committee.** A group of faculty, staff, and students tasked with responsibility under this Code to review and respond to Appeals.
- 1.15 **Disciplinary Record.** A written or electronic document or transcript of proceedings of an Accountability Case, Hearing, or Appeals Review. A Disciplinary Record may contain more than one proceeding.
- 1.16 **Emergency Removal.** The immediate action of taking away or banishing an individual who constitutes a threat to the health, safety, and welfare of students, others, or university property.
- 1.17 **Finding.** Conclusion reached as a result of the Accountability Process.
 - 1.17.1 **Not Responsible.** Found not to be in violation.
 - 1.17.2 **Responsible.** Found to be in violation.
 - 1.17.3 No Determination. Insufficient information to determine an Outcome.
 - 1.17.4 Accepts Responsibility. Willingly admits to the violation.
- 1.18 **Hearing.** The structured forum in which evidence is presented, witnesses are heard, and decisions concerning responsibility and outcomes, if applicable, are made.
- 1.19 **Interim Measures.** Limits a student's/RSO's access to campus for a specific (temporary, not permanent) amount of time.

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- 1.20 **Ordinance.** A law or regulation enacted by a local government.
- 1.21 **Outcome.** An action or sanction imposed against a respondent having been found responsible for a violation of the Code.
- 1.22 **Pre-Hearing Conference.** An informal meeting with ASC to explain the Accountability Process, share the University's expectations for the Hearing, and answer questions to promote an orderly, productive, and fair Hearing.
- 1.23 **Preliminary Investigation.** An initial investigation of the complaint or Code violation to determine if further investigation is necessary.
- 1.24 **Recognized Student Organization (RSO).** An organization that has fulfilled all the requirements established by the University for official recognition.
- 1.25 **Respondent.** A student or RSO who is alleged to have violated the Code.
- 1.26 **Student.** A person who has been admitted to the University and (a) is registered for or pursuing undergraduate, graduate, or professional studies or courses at the University, either full-time or part-time, including those attending classes on campus or off-campus; (b) is not currently registered or enrolled for a particular semester but who has a continuing relationship with the University; or (c) is enrolled or participating in a university-sponsored program, including, but not limited to, orientation and study abroad programs.
- 1.27 **Student Code of Conduct.** Policies and procedures, representing student rights, responsibilities, and behaviors, designed to help maintain a campus environment conducive to learning and other educational pursuits. Also referred to as "Code," "Student Code," or "Code of Conduct".
- 1.28 **Student Due Process and Protection Act (LA HB364).** Enacted by the Louisiana Legislature and adopted by Northwestern State University. HB364 states that "Any student enrolled at an institution under the jurisdiction of

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the management board and accused of a violation of the disciplinary or conduct rules that carry 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 procedures adopted and used by that institution to address an alleged violation of the institution's non-academic rules or policies." (Reference: LA HB364)

- 1.28 **University.** Refers to Northwestern State University (NSU) of Louisiana's main campus, off-campus instruction sites, or any division thereof including trips, extension courses, practicum or clinical courses, and other activities over which the Board of Supervisors for the University of Louisiana System has control or responsibility.
- 1.29 **University Business Day.** A day that the University is open for normal business hours, Monday through Friday only.
- 1.30 **University Employee.** Any person employed by the University for any purpose.
- 1.31 **University Official.** Trained faculty/staff members designated by the Office of Accountability and Student Conduct with responsibility under this Code to adjudicate an alleged violation or complaint as assigned by the ASC.
- 1.32 **University Premises, Property, and "Campus."** All land, buildings, equipment, facilities, and improvements that are owned, leased, or controlled by the University (including adjacent streets and sidewalks).

ARTICLE IV: STUDENT RIGHTS AND RESPONSIBILITIES

Student rights and responsibilities identified below are not intended to be an exhaustive list. Article IV, as written, shall not, in any way, prevent recognition of additional, different, or modified rights and obligations for students through supplements to this Code, issuance of other university policy, or any alternative appropriate means.

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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 learn about the university's policies.
- 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 that 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 that is conducive to learning and distraction-free. Students are responsible for behavior conducive to the teaching/learning process.
- 2.3 Students shall be free to take reasoned exceptions to data and views offered in the classroom without reprisal, provided such exceptions do not hinder the structured learning process.
- 2.4 Students have a right to grades representing the instructor's professional judgment.
- 2.5 Students have a right to accurately and clearly stated information that would enable them to determine:
 - 2.5.1 The general requirements for establishing and maintaining an acceptable academic standing.
 - 2.5.2 Their academic admission status with the University and any special conditions that apply.
 - 2.5.3 The graduation requirements of any particular degree program.

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- 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 Students have a right to confidentiality and access to their student educational records.

Section 4.0 Freedom of Inquiry and Expression

- 4.1 Students shall be free to examine and discuss all questions of interest and to 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 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 individuals' safety, property protection, and the continuity of the educational process in maintaining order.
- 4.4 RSOs may invite any speaker, subject to requirements for the use of institutional facilities and subject to the university

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speaker's policy stated in 4.3 above.

- 4.5 Students have a right to express opinions through student media and are responsible for adhering 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 RSOs are required to publicize information concerning purpose, criteria for membership, and a current list of officers.
- 5.3 RSOs may reserve university facilities according to facility use reservation procedures.

Section 6.0 University Housing

- 6.1 A student has the right to be secure in their 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 follow housing regulations and on-campus residency requirements.

Section 7.0 Redress of Student Grievances/Complaints

- 7.1 A student shall have the right to file a grievance/complaint. Procedures to pursue grievances/complaints against another student are detailed throughout this Code. Procedures to pursue grievances/complaints against a university employee are found in Article XII of this document.

Section 8.0 Rights of a Charged Student or Recognized Student Organizations (RSOs)

The following subsections apply to any student or RSO accused of a Code violation that may result in separation from the University of ten (10) days or more.

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- 8.1 Student Due Process and Protection Act. Any student or RSO is entitled to rights in accordance with the Student Due Process and Protection Act, [LA HB364](#). Student's rights are as followed:
 - 8.1.1 Informed of their rights.
 - 8.1.2 Notified of the alleged violation(s).
 - 8.1.3 Notified of the evidence the institution used to make the charge.
 - 8.1.4 Presumed innocent.
 - 8.1.5 Provided access to an administrative file that contains all non-privileged documents pertaining to the allegation.
 - 8.1.6 Assured of elimination of conflicts of interest among counselor, investigator, institutional prosecutor, and adjudicator.
 - 8.1.7 Offered the right to Appeal.
 - 8.1.8 Entitled to legal counsel at their own expense or a non-attorney advisor/advocate.
 - 8.1.9 Offered the opportunity to examine and cross-examine witnesses.
 - 8.1.10 If a student's due process was violated, the student has the right to private right of action against the institution to recover actual damages.
- 8.2 Role of Advisor/Advocate. The student has the right to be assisted by an Advisor/Advocate, of their choosing, in accordance with LA HB364, Article IV, Section 9.1:
 - 8.2.1 The Advisor/Advocate shall provide support, guidance, and advice to the Student or RSO during any disciplinary meeting or procedure.
 - 8.2.2 If a student is charged with a violation of behavioral misconduct that carries a potential penalty of suspension or expulsion, the student has the right

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to be represented, at their expense, by an Advisor/Advocate. The Advisor/Advocate may fully participate during any Accountability proceeding.

8.2.3 An RSO accused of violating behavioral misconduct has the right to be represented, at the RSO's expense, by an Advisor/Advocate who may fully participate during any Accountability proceeding.

8.2.4 An Advisor/Advocate may "fully participate" in the Accountability Process by making opening and closing statements, examining and cross-examine witnesses, and providing the alleged Student/RSO with support, guidance, and advice.

8.3 **Responsibilities of a Charged Student or RSO.** A charged student or RSO shall have the following rights and responsibilities before and during an Accountability Conference or Hearing:

8.3.1 To be honest.

8.3.2 To attend an appointment with the University Official(s) on a specified date, time, and location.

8.3.3 To attend all that apply: Accountability Conference or Hearing scheduled by the University Official(s) if included in the Accountability Summons Letter.

8.4 **In Absentia Consideration of Charges.** Charged students or RSOs who have received a written summons from an approved University Official to appear for an Accountability Conference/Hearing by the appropriate University Official(s) have three (3) university business days to confirm the appointment. Should the charged student or RSO fail to confirm the scheduled Accountability Conference and/or fail to attend the scheduled Accountability Conference, the charged student or RSO shall forfeit the right to present their case and will have said charges considered in absentia by the appropriate University Official(s). The University Official(s) will then decide on the charge(s).

University students who reside off-campus, in university residence halls, or in other on-campus residential living spaces

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and who are censured in absentia will receive notification from the appropriate University Official(s) through the student's official NSU email. RSOs censured in absentia will be sent a notification from the appropriate University Official(s).

ARTICLE V: PROHIBITED CONDUCT

Section 1.0 Offenses of Academic Misconduct

- 1.1 **Cheating or deception in any form:** Misrepresenting one's mastery of course content or experiential learning as a requirement for a course (e.g., internship, fieldwork, 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:** Falsifying or fabricating any information, data, or citation in any academic work including but not limited to documents intended to support medical excuses or absence from class or academic work.
- 1.5 **Facilitating another student's academic dishonesty:** Collaborating, conspiring, or cooperating to fulfill educational requirements to misrepresent individual effort and knowledge.

Section 2.0 Offenses Against the University Community

- 2.1 **Acts of dishonesty,** including, but not limited to:
 - 2.1.1 Furnishing false or misleading information to any University Official or Office.

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- 2.1.2 Fabricating, forgery, alteration, or misuse of any university document, record, or instrument of identification.
- 2.1.3 Tampering or interfering with campus, local, state, or federal elections or an individual's right to vote in the same, including, but not limited to, asking or requiring someone to provide evidence of voting or evidence of voting for a particular candidate or issue, coercing or using valuable incentives (e.g., organization participation points, food, beverages, etc.) to induce an individual to vote in an election or for a particular candidate or issue, or taking detrimental actions against an individual who refuses to vote or provide evidence of voting for a particular candidate or issue.
- 2.1.4 Bribery and acceptance of bribes.

2.2 **Disruptive conduct** is materially or substantially disruptive to the normal operations of the University, or incites others to do so, in any of the following activities: teaching, research, administrative functions, Accountability proceedings, other university activities whether on or off-campus, and other authorized activities that take place on campus. In evaluating whether conduct is materially or substantially disruptive, the University may consider the totality of factors, including, but not limited to, whether there was an intent to prevent the activity or event from continuing to completion and whether the conduct was a sustained and continuous disruption. Disruptive conduct does not include any conduct protected by the First Amendment, but may include any of the following:

- 2.2.1 Disruption of University Officials in the performance of their duties.
- 2.2.2 Disruption of a university activity or event.
- 2.2.3 Disruption of a class or curricular activity. This includes classroom or other academic workplace behavior that interferes with: (a) the instructor's authority or ability to conduct the class; (b) other students' ability to benefit from the instructional program; or (c) interference with

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the rights of others to carry out their activities or duties at or on behalf of the University.

- 2.3 **Failure to comply** with directions of University Official(s) or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- 2.4 **Violation of published policies**, including but not limited to those of the University of Louisiana System Board of Supervisors or university policies, rules, requirements or regulations, community standards, Title IX policy, risk management policies, parking and traffic regulations, and plans/requirements related to health and safety.
- 2.5 **Failure to promptly meet university-related financial obligations.**
- 2.6 **Issuance of worthless checks** for university-related financial obligations.

Section 3.0 Offenses Against Persons

- 3.1 **Physical Abuse.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person, including, but not limited to, simple assault and aggravated assault.
- 3.2 **Hazing.** As outlined in the University Hazing Policy, hazing includes any action taken or situation created 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, when it (a) endangers a student, (b) creates risk or injury, or (c) produces mental or physical harm, embarrassment, degradation, harassment or ridicule.
 - 3.2.1 Hazing as: any intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:
 - 3.2.1.1 The person knew or should have known that

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such an act endangers the physical health or safety of the other person or causes severe emotional distress.

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

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

3.2.2.1 Physical brutality, such as whipping, beating, paddling, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity.

3.2.2.2 Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.

3.2.2.3 Activity involving consumption of food, liquid, or any other substance, including but not limited to, an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm that adversely affects the physical health or safety of the individual or causes severe emotional distress.

3.2.2.4 Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

3.2.2.5 Physical activity that is normal, customary,

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and necessary for a person's training and participation in an athletic, physical education, military training, or similar program sanctioned by the postsecondary education institution is not considered "hazing."

3.2.3 All forms of hazing are prohibited under university policy and constitute a violation of the Code.

3.2.4 Any definitions, requirements, and related terms are outlined in the University Hazing Policy.

3.3 **Sexual Misconduct.** The University prohibits sexual misconduct and any related retaliation.

Any definitions, requirements, violations, accommodations, prohibitions, and Outcomes outlined in the University's Power Based Violence and Sexual Misconduct Policies are incorporated herein by reference.

3.4 **Harassment.** Harassment that is not of a sexual nature includes:

3.4.1 Conduct that violates university policy, which may include conduct (physical, verbal, graphic, written, or electronic) that is (a) unwelcome; (b) discriminatory on the basis of genetic information, race, color, religion, national origin, age, disability or protected veteran status; (c) directed at an individual; and (d) so severe and/or pervasive that it interferes with an individual's ability to participate in or to realize the intended benefits of a university activity, opportunity, or resource. Conduct must be deemed severe and/or pervasive from both a subjective and an objective perspective. Similar conduct that relates to an individual's sex (which includes gender, sexual orientation, gender identity, and gender expression) is addressed in the University's Power Based Violence/ Sexual Misconduct Policy.

3.4.2 Any attempt to intentionally and repeatedly make

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contact with a person over their stated objections for the purpose of harassing or alarming them, including, but not limited to, non-gender-based stalking (see “Stalking” definition in NSU’s Power Based Violence/ Sexual Misconduct Policy).

3.4.3 Invasion of another’s privacy, where that person has a reasonable expectation of privacy, including, but not limited to, creating, making, possessing, storing, sharing, or distributing unauthorized audio, video, digital, or photographic images of a person taken in a location in which that person has a reasonable expectation of privacy.

3.5 **Threatening Behavior.** Threatening behavior is any written, oral, or physical conduct that causes a reasonable expectation of injury to the health or safety of any person, animal, or damage to any property. A student may be responsible for threatening behavior even if the object of the threat does not observe or receive it.

Section 4.0 Offenses Against Property

4.1 **General.** Attempted or actual theft of, and/or potential or actual damage to property (e.g., belonging to the University, a member of the university community).

4.2 **Physical Access.** Unauthorized possession, duplication, or use of keys or access cards to any university premises or unauthorized entry to or use of university premises or other public or private property.

4.3 **Electronic Access/Abuse.** Theft or other abuse of computer usage, including, but not limited to:

4.3.1 Unauthorized entry into or transfer of a file.

4.3.2 Unauthorized use of another individual’s identification or password and/or computer, tablet, phone, or other similar device.

4.3.3 Use of university computing facilities, network, equipment, accounts, or services in a manner contrary

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to university policy, including, but not limited to, sending, downloading, or viewing obscene messages, material, or content and/or interfering with the work of another student or University Official.

- 4.4 **Water Access/Abuse.** Unauthorized entry into the water of any fountain or other body of water on the university campus that is not designed and maintained for recreational purposes. Dumping, throwing, placing or causing to be placed any material, object, trash, person, animal, waste or debris in the water of any fountain or other such body of water located on the university campus.

Section 5.0 Offenses Disrupting Order or Disregarding Health and Safety

- 5.1 **Controlled Substances.** Use, possession, solicitation, cultivation, manufacturing, dispersing, attempted distribution, or distribution of and/or driving under the influence of narcotics, synthetic drugs, or other controlled substances or the possession of drug paraphernalia that is prohibited by law.
- 5.2 **Non-controlled Substances.** Improper use or possession of products for purposes of altering mood or state of being. This includes the misuse of legal products such as inhalants.
- 5.3 **Alcohol.** Use, possession, or distribution of alcoholic beverages, except as expressly permitted by the law and university regulations, or public intoxication and/or driving under the influence. If a student under the age of twenty-one (21) is found responsible for a violation of university policy involving alcohol, the University may notify the student's parent(s) or guardian(s).
- 5.4 **Weapons.** 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.
- 5.4.1 Possession of a firearm, when in violation of state laws,

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University of Louisiana System policy, or university policy, shall be grounds for dismissal from the University.

- 5.4.2 Any instruments/devices designed or may be used as a weapon to injure or threaten another individual, including non-culinary knives with a blade greater than four (4) inches.
- 5.4.3 Any device that shoots or delivers a bullet, BB, pellet, arrow, dart, flare, electrical charge, or other projectile, whether loaded or unloaded, including those devices powered by CO₂.
- 5.4.4 Any explosive device, including fireworks.

- 5.5 **Disruption.** Actions that disrupt the normal operations of the University and infringe on the rights of other members of the university community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian and/or vehicular, on campus; and/or could potentially cause damage to property; actions that incite or contribute to panic or distress and disrupt the normal operations of the University, regardless of intent.
- 5.6 **Blocking Traffic.** Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored or supervised functions and events.
- 5.7 **Disorderly Conduct.** Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on university premises or at activities and events sponsored by, or participated in, by the University.
- 5.8 **Illegal Activity.** Violation of federal or state law, or local ordinances.
- 5.9 **Traffic and Parking.** Violation of traffic and parking rules and regulations, including, but not limited to:

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- 5.9.1 Repeated or flagrant violations of the rules as set forth in Campus Parking and Driving Regulations.
- 5.9.2 Tampering with, removal, or theft of wheel locks, barricades, traffic cones or traffic control devices.
- 5.10 **Gambling.** The operation of any form of gambling business or related activity.
- 5.11 **Fraud.** The unauthorized use of university property or resources for personal gain.
- 5.12 **Contributing/Abetting.** Being present during any violation of university policy or the Code in such a way as to condone, support, or encourage that violation. Students who anticipate or observe such a violation are expected, if possible, to report any potential violation before it occurs or report details of the violation after its occurrence.
- 5.13 **Animal Cruelty.** Acts of animal cruelty, abuse, or failure to report such acts.
- 5.14 **False Alerts.** Entering false fire alarms or bomb threats, tampering with fire extinguishers, alarms, or other safety equipment.
- 5.15 **Arson.** Starting or maintaining a fire or causing an explosion that results in damage to a building or other property and/or injury to a person.
- 5.16 **Racing.** Engaging in, or aiding and abetting the participation in, a motor vehicle speed contest, a motor vehicle exhibition of speed, a motor vehicle sideshow, a motor vehicle burnout, a motor vehicle donut, or other reckless driving maneuver.

Section 6.0 Abuse of the Accountability Process

- 6.1 Failure to obey the summons of a University Official(s).
- 6.2 Failure to control the participation of a selected Advisor/ Advocate at any point in the Accountability Process.
- 6.3 Falsification, distortion, or misrepresentation of information before a University Official(s) during the Accountability Process.

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- 6.4 Disruption or interference with the orderly conduct of the Accountability Process.
- 6.5 Pursuit of an alleged violation of the Code in a manner that is intentionally dishonest, frivolous, or malicious (e.g., filing a false report).
- 6.6 Attempting to influence the impartiality of University Official(s) prior to and/or during the Accountability Process.
- 6.7 Harassment (verbal or physical) and/or intimidation of University Official(s) prior to, during, and/or after the Accountability Process.
- 6.8 Failure to comply with Outcome(s) imposed under the Code.
- 6.9 Any other act that is intended to or has the effect of delaying or interfering with the orderly operation of the Accountability Process.

Section 7.0 Retaliation

It is a violation of this Code for any student to retaliate or allow retaliation in any manner against a member of the university community who, in good faith, reports a suspected violation of this Code to University Official(s) or participates in any aspect of the conduct process relating to a suspected violation. This includes, but is not limited to, efforts to retaliate either directly or indirectly against an individual as well as direct or indirect retaliation against that individual's family and friends. Retaliation based on the Outcome of the Accountability Process is also prohibited.

Instances of retaliation arising out of allegations of sexual misconduct are also prohibited, see the [Power Based Violence/Sexual Misconduct Policies](#).

Section 8.0 Recognized Student Organization (RSO) Misconduct

Student organizations enrich the campus and community by providing a source of intellectual, personal, and social development of students through their programs and activities. The University fulfills an important mission by providing procedures and policies for the registration and support of student organizations.

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RSO's must comply with the rules and policies of the University and other rules and policies that may govern the organization and applicable laws. Further, any RSO that is a member, chapter, affiliate, or associate of a local, state, national, or international organization (collectively "parent organization") must provide notice and details to the ASC within twenty-four (24) hours of receiving notice of any investigation, charges, outcome, probation, discipline, or misconduct related issue involving an RSO or any of its members and the parent organization.

- 8.1 **Responsibility of Officers.** A fundamental aspect of any organization is the right of the membership to elect officers who serve to ensure, among their other duties, that the activities of the RSO are conducted properly. It is the responsibility of the officers of each RSO to:
 - 8.1.1 Ensure that the organization complies with this Code.
 - 8.1.2 Actively oppose and/or prevent any planned or impromptu organizational activity that would violate the Code.
 - 8.1.3 Advise and counsel individual members of their organization whose conduct could lead to misconduct charges against the organization, as provided herein.
- 8.2 **Further Responsibilities.** Any organizational officer who knowingly allows their organization or a member of that organization to violate the Code without taking steps to prevent the violation also commits a violation of the Code. Any organizational officer who knows of an unreported violation of the Code that has been committed and does not report it to appropriate University Officials is in violation of the Code. The organization may also be sanctioned if an organizational officer is found to be in violation of this provision of the Code.

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ARTICLE VI: ACCOUNTABILITY PROCEDURES

Members of the university community are strongly encouraged to participate in the Accountability Process as witnesses if they have knowledge or information regarding the alleged violation(s) in question and if they have been requested to participate. Individuals who are not members of the university community will generally be permitted to participate as a witness if they have direct knowledge or information regarding the incident or alleged violation in question. Information and materials that the University obtains during the Accountability Process may be disclosed to law enforcement in response to a valid subpoena.

Northwestern State University uses the Clear and Convincing standard of proof in all Student Conduct Accountability proceedings (Reference: [LA HB174](#)).

Sexual harassment and sexual assault, specific forms of misconduct, are governed by the university's comprehensive [Power Based Violence/ Sexual Misconduct Policies](#). Nothing in these regulations shall be read to contradict or supersede that policy with respect to those forms of misconduct.

Section 1.0 Complaints and Investigations

1.1 **General.** A complaint alleging a student or RSO committed a violation(s) of this Code may be filed by any member of the university community or authorized university personnel having knowledge of the violation(s) based on personal observation or other reliable information. Although there is no time limit on the reporting of misconduct, the University may ultimately be unable to adequately address the incident, if significant time has passed or if the student involved has graduated or ceased enrollment.

1.1.1 Complaints should be submitted as soon as possible after the event takes place, preferably within thirty (30) calendar days of the knowledge of the occurrence to the ASC via the [Incident Reporting Form](#). 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.

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- 1.1.2 The complaint shall identify the alleged violation(s), the facts upon which the allegation is based, and shall be signed by the person filing the complaint.
 - 1.1.3 Upon receipt of a complaint that a student or RSO has allegedly committed a violation(s) of this Code, the University Official(s) shall review the allegation(s) and, if appropriate, refer to other departments including the Behavior Intervention Team (BIT).
- 1.2 **Dismissal.** If the preliminary investigation indicates the allegation(s) to be unsubstantiated, or there is insufficient evidence to support reasonable cause, the University Official(s) shall dismiss the complaint with no further action. A *Dismissal letter* will be provided to the Complainant.
- 1.3 **Substantiated.** If the allegation is found to have substance, the University Official(s) shall notify the student ("Respondent") via an *Accountability Summons letter* and conduct an Accountability Conference. As a result of this conference, the University Official(s) will determine whether a formal or informal Accountability Process is appropriate. A substantive allegation may result in a temporary disciplinary hold on a student's record.
- 1.4 **Complete Notice.** A student or RSO subject to a charge or Accountability proceeding by the University is entitled, upon receiving notice of the charge (*Accountability Summons letter*), to notice of any and all violations of the University's non-academic rules or policies and the Accountability proceedings or charges that will occur as a result. This notice shall include but need not be limited to each section of the Code that the student or RSO is alleged to have violated and any evidence the University used and collected in making the charge.
- 1.5 **Rights.** Prior to scheduling any Accountability proceeding, the University shall inform the student/RSO in writing of their rights.
 - 1.5.1 Any student/RSO accused of a violation of the Code that carries a potential penalty of suspension of ten (10) or more university business days, deferred

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suspension, or expulsion has the right to be represented at the student's or RSO's expense, by an attorney or a non-attorney advisor/advocate. The advisor/advocate may fully participate during any accountability proceeding or during any other procedure adopted and used by the University, including an Accountability Hearing or Appeal Review. They may address an alleged violation of the University's non-academic rules or policies.

- 1.5.2 A student or student organization subject to an accountability proceeding by the University is entitled, upon receiving notice of the charge, to notice of any and all violations of the institution's non-academic rules or policies and the accountability proceedings or charges that will occur as a result.
- 1.5.3 The student/RSO has the express presumption of innocence and may not be deemed responsible of the violation until they formally acknowledge responsibility or the conclusion of a Hearing where the University has established every element of the alleged violation.
- 1.5.4 The University shall maintain and grant access to the student/student organization an administrative file of the Accountability 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 documents or internal memorandums that the University does not intend to introduce as evidence at any Hearing on the matter.

- 1.6 **Next Steps.** Following receipt of a complaint and completion of preliminary investigation, if the alleged violation is found to be substantiated, the Accountability Process may proceed along Informal or Formal lines. These processes are outlined in Sections 2.0 and 3.0 below.

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Section 2.0 Informal Accountability Process

The structure of the hearing will generally proceed as follows:

- 2.1 **Accountability Conference.** An Accountability Conference with the University Official(s) will be scheduled within ten (10) university business days to explain the nature of the complaint and the Accountability Process. At this meeting, the student/RSO may indicate, either verbally or in writing, to the University Official(s), whether they accept or deny the alleged code violation(s). As part of the Conference or Hearing, the University Official(s) will do the following:
 - 2.1.1 Interview relevant witnesses;
 - 2.1.2 Obtain documentary evidence;
 - 2.1.3 Observe physical information;
 - 2.1.4 Analyze content; and
 - 2.1.5 Make a Finding.
- 2.2 **Accountability Conference Outcome.** If the student/RSO is found not responsible for violating the Code, an *Accountability Determination Letter* will be sent by NSU email, and the case will be dismissed. If the student/RSO is found responsible, the University Official(s) conducting the Accountability Conference will determine the Findings and Outcomes for the misconduct, which the student/RSO may accept or reject. The following options are available:
 - 2.2.1 If the student/RSO accepts both the Findings and the Outcome, an Accountability Determination Letter will be sent via NSU email, the student/RSO waives any right to an Appeal, and the process ends.
 - 2.2.2 If the student/RSO rejects the Findings but accepts the Outcome, an Accountability Determination Letter will be sent via NSU email, the student/RSO waives any right to an Appeal, and the process ends.
 - 2.2.3 If the student/RSO accepts the Findings but rejects the Outcome, an Accountability Determination Letter will

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be sent via NSU email, the student/RSO has the right to Appeal based on one or more grounds (Article VII, Section 1.0). The student/RSO may Appeal a decision resulting from a Conference by submitting an online [Appeal Request Form](#) within ten (10) University business days after receiving notification of the Conference results in the *Accountability Determination Letter*.

- 2.2.4 If the student/RSO rejects both the Findings and Outcome they have the right to Appeal based on one or more grounds (Article VI, Section 4.0). The student/RSO may Appeal a decision resulting from a Conference by submitting an online Appeal Request Form within ten (10) university business days after receiving notification of the Conference results in the Accountability Determination Letter.

Section 3.0 Formal Accountability Process

The structure of the hearing will generally proceed as follows:

- 3.1 **Pre-Hearing Meeting.** A meeting with the University Official(s) will be scheduled to explain the nature of the complaint, discuss the Accountability Process, and identify potential Hearing dates.
 - 3.1.1 A *Pre-Hearing Letter* will be sent via the students' NSU email with information about the Accountability Hearing and all evidence related to the incident report. The University Official(s) will provide the student/RSO 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) University business days prior to any 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.
- 3.2 **Accountability Hearing.** The Accountability Hearing shall provide reasonable opportunity for the student/RSO to

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present a defense and for witnesses to be heard. The student/RSO is responsible for notifying any witness(es) of the date, time, and place for the Hearing. The names of witnesses and their relationship to the matter must be submitted to the ASC in writing before the Hearing. Accountability Hearings will be conducted according to the following guidelines:

- 3.2.1 The Hearing shall be closed only to those persons directly involved and will be recorded by the University Official. All other recording devices are prohibited in hearings.
- 3.2.2 The standard of review shall be clear and convincing. The committee shall ascertain whether valid reasons for the outcome(s) were substantiated, and the procedures followed were consistent in their application.
- 3.2.3 The student/RSO is given an opportunity to make an opening statement.
- 3.2.4 The University Official(s) shall present the University's related evidence and call such witnesses as required.
- 3.2.5 The student/RSO shall present any evidence or call such witnesses to present a defense.
- 3.2.6 The University Official(s), Advisor/Advocate, and student/RSO may question all witnesses. Witnesses may be sequestered.
- 3.2.7 The student/RSO is given an opportunity to make a final statement.
- 3.2.8 When the hearing convenes, no new evidence will be considered.
- 3.2.9 At the conclusion of the hearing, closed deliberations will begin and a decision will be determined.
- 3.2.10 Within five (5) university business days of the conclusion of the Accountability Hearing, the University Official may dismiss the allegations as

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unsubstantiated or impose appropriate Outcome(s). An Accountability Determination letter will be issued to the student/RSO via NSU email with the Findings and Outcome of the Hearing and information about the Appeal Process.

- 3.3 **Outcome.** The University may reimburse the student for any tuition and fees paid for the suspension period, including a deferred suspension or expulsion not previously refunded, if applicable.

ARTICLE VII: APPEALS

The student/RSO has the right to appeal based on one or more grounds. By virtue of the powers vested in him by the Board of Supervisors for the University of Louisiana System, the President, or designated representative based on the outcome, is the highest disciplinary functionary at the University. He is, therefore, the highest appellate authority only after all other appeals have been exhausted. The Appeal processes are outlined below.

Section 1.0 Requesting an Appeal

- 1.1 **Grounds for Appeal.** Appeals are limited to the following grounds:
- 1.1.1 **A procedural error** in due process that would change the Outcome.
 - 1.1.2 **New or contradictory evidence** that would change the Outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made.
 - 1.1.3 The **Outcomes 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.
- 1.2 **Appeal Request Form.** An Appeal must be requested in writing using the Appeal Request Form within ten (10)

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university business days after delivery of the Accountability Determination Letter. The Appeal Request Form and documentation/proof will be reviewed for consideration to determine if the request meets the grounds for Appeal.

- 1.2.1 University Official(s) may request supporting documentation from the Accountability Conference or Hearing to make this determination. This is not a review of the merits of the Appeal, but solely a determination as to whether the request (a) could reasonably be construed to meet the grounds and (b) is filed in a timely manner.
- 1.2.2 University Official(s) may consult with legal counsel on questions of procedure or rationale, for clarification, if needed. The University Official(s) will maintain documentation of all such consultation.
- 1.2.3 Respondents can only submit one (1) Appeal Request Form. Any amendments to the initial request must be made within the original time limit for Appeal, ten (10) university business days.

1.3 **Appeal Request Determination.** In most cases, Appeal requests are confined to a review of the written documentation, record of the original determination, and pertinent documentation regarding the grounds for appeal specified in the Appeal Request Form.

- 1.3.1 **Appeal Request Denied.** If the Appeal Request Form (a) does not provide information that meets the grounds in this Code, or (b) is not filed within the specified time for Appeals, then the Appeal request will be denied. The student/RSO and their Advisor/Advocate will be simultaneously notified via email of the denial and the rationale. This decision is final. A student/RSO may not submit any new Appeal Requests after the initial Appeal Request has been determined. The *Appeal Request Determination Letter* will be sent within five (5) university business days of receipt of the Appeal Request Form.

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- 1.3.2 **Appeal Request Approved.** If the Appeal Request Form (a) provides information that meets any of the grounds in this Code, and (b) the Appeal is filed within the specified time for Appeals, then the Appeal Request will be approved. The student/RSO and their Advisor/Advocate will be simultaneously notified via email regarding the next steps. The *Appeal Request Determination Letter* will be sent within five (5) university business days of receipt of the Appeal Request Form.

Section 2.0 Appeal Review Process

- 2.1 **Appeal Review.** Any student or RSO that is found to be in violation of the institution's non-academic rules or policies shall be afforded one (1) 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.

An Appeal is not an opportunity for the University Official(s) to substitute their judgment for that of the original Decision-maker merely because they disagree with the Finding and/or Outcomes(s). Appeal decisions are to be respectful of the original determination, making changes to the Finding only when there is clear error to the Outcomes and responsive actions and only if there is a compelling justification to do so.

In accordance with [LA HB364](#), the University designates 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.

- 2.2 **Appeal Review Determination.** After reviewing the criteria for Appeal and considering the evidence provided, the University Official(s) may:

- 2.2.1 Uphold the decision of the original Outcome;
- 2.2.2 Reduce or Modify the imposed Outcome;
- 2.2.3 Order a new Hearing (*Formal process only*).

An *Appeal Determination Letter* will be emailed to the student/

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RSO and their Advisor/Advocate simultaneously, or without significant time delay between notifications. The *Appeal Determination Letter* will specify (a) the Findings on each ground for Appeal, (b) specific instructions for remand or reconsideration, (c) Outcome(s) that may result which NSU is permitted to share according to federal or state law, and the rationale supporting the essential Findings to the extent NSU is permitted to share under federal or state law.

2.3 **The Outcome of an Appeal Review constitutes the Final Determination.**

2.4 **Outcome Status During the Appeal.** The student's responsibility to comply with the Outcome given in the *Accountability Determination letter* will vary depending on whether Emergency Removal measures were taken.

2.4.1 If emergency removal measures are in place prior to the original Outcome and/or Appeal determination, the emergency removal remains in effect.

2.4.2 If no emergency removal measures are in place, any Outcome(s) imposed in the *Accountability Determination letter* will be set aside (e.g., not implemented) until the Appeal Review Determination is made.

ARTICLE VIII: ADMINISTRATION OF THE APPEALS – INFORMAL PROCESS

Section 1.0 Training of Accountability Process Members

- 1.1 All university Official(s) involved in the Accountability Process will have received training in the appropriate university Accountability Process procedures.

Section 2.0 Student Affairs Administration's Responsibilities

- 2.1 The VPSE & DoS or designated representative shall evaluate the appeal request and supporting documentation for relevance and timeliness and will determine if the appeal request is granted.

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- 2.2 If the appeal request is granted, the VPSE & DoS or designated representative shall review all documents related to the accountability conference and may request additional information (e.g., documents, meeting, witnesses).
- 2.3 The VPSE & DoS or designated representative shall provide the student(s) with the official outcome of the appeal review.

Section 3.0 Student's Responsibilities

- 3.1 The student shall submit an appeal request, supporting documentation, name of advisor/advocate, and any witnesses to the VPSE & DoS and for evaluation.
- 3.2 If the appeal request is granted, the VPSE & DoS shall review the documentation and the student may appear for an Appeal Review on a scheduled date at a prescribed time, if requested. If the appeal request is denied, it will be the end of the accountability process.

Section 4.0 Notice of Appeal Review

- 4.1 If an Appeal Review is needed, notification of the Review shall be in writing through normal university communication channels via the student's NSU email.
- 4.2 The notice, if needed, shall specify the date, time, and place of the Appeal Review. The Review shall not be less than four (4) or more than ten (10) university business days after the notification date. The VPSE & DoS or designated representative, for good cause, may postpone the Review and notify involved persons of the new Review date.
- 4.3 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.
- 4.4 The notice shall advise the student that the Review shall be closed and of the student's right to be advised by counsel or attorney and right to present new evidence and question witnesses.

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Section 5.0 Appeal Review Procedures

- 5.1 The Review procedures shall be informal in nature and provide reasonable opportunities for witnesses to be heard.
- 5.2 The Review shall be closed. Those present shall be limited to the VPSE & DoS or designated representative and appropriate staff, maximum of one (1) advisor/advocate for the student and legal counsel for the University. Witnesses shall be sequestered.
- 5.3 The VPSE & DoS shall ascertain whether the sanction(s) were substantiated, new evidence may impact the original decision, and the procedures followed were consistent in their application.
- 5.4 The VPSE & DoS or designated representative shall follow the procedures outlined herein:
 - 5.4.1 The VPSE & DoS meets with the student to review the irregularities or inconsistencies in the procedures and/or application of the rules and regulations as outlined in Student Appeal.
 - 5.4.2 The student shall have an opportunity to explain irregularities or inconsistencies in the procedures and/or application of the rules and regulations.
 - 5.4.3 The University or the student may present new evidence or witnesses. Such evidence or witnesses must have been unavailable for the Accountability Conference.
- 5.5 The VPSE & DoS or designated representative may decide to (a) uphold the original decision, or (b) reduce or modify the sanctions imposed by the representative.

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ARTICLE IX: ADMINISTRATION OF THE APPEALS – FORMAL PROCESS

Section 1.0 Training of Accountability Process Members

- 1.1 All university Official(s) involved in the Accountability Process will have received training in the appropriate university Accountability Process procedures.

Section 2.0 Disciplinary Appeals Committee Selection

- 2.1 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.
 - 2.1.1 When hearing cases of sexual misconduct, students shall be released from the committee.
- 2.2 The University President shall appoint the chairperson. In the absence of the appointed chairperson, the committee shall elect a temporary chairperson.
- 2.3 A quorum shall consist of six (6) members, two (2) of which must be student members.
- 2.4 Faculty or staff members shall serve staggered terms of four (4) years; student members shall be appointed annually and may serve multiple terms.
- 2.5 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.
- 2.6 The committee may remove a member by simple majority vote for malfeasance, nonfeasance, or misfeasance of the committee's responsibilities.
- 2.7 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 3.0 Chairperson's Responsibilities

- 3.1 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.
- 3.2 The chairperson presides over the hearing.
- 3.3 The chairperson ascertains that the VPSE & DoS or designated representative and the student have performed their responsibilities.
- 3.4 The chairperson rules on the admissibility of evidence, motions, objections and recognizes committee members for questioning.

Section 4.0 Student Affairs Administration's Responsibilities

- 4.1 The VPSE & DoS or designated representative, with the concurrence of the chairperson shall establish the date, time, place and provide notice of hearing to all involved persons.
- 4.2 The VPSE & DoS 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.
- 4.3 The VPSE & DoS 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.
- 4.4 The VPSE & DoS or designated representative reports noncompliance with a summons by university personnel to the appropriate vice president.
- 4.5 The VPSE & DoS or designated representative makes necessary arrangements for the hearing, including the recording of the proceedings.
- 4.6 The VPSE & DoS or designated representative shall present the case on behalf of the University.

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Section 5.0 Student's Responsibilities

- 5.1 The student shall appear for the hearing on the scheduled date at the prescribed time.
- 5.2 The student shall notify the VPSE & DoS or designated representative in writing three (3) university business days prior to the hearing of any documents or witnesses the student wishes summoned on the student's behalf.
- 5.3 At least three (3) university business days prior to the hearing, the student shall notify the VPSE & DoS or designated representative if the student is to be advised by an attorney during the hearing.

Section 6.0 Notice of Disciplinary Appeals Committee Hearing

- 6.1 Notification of the Appeal Hearing shall be in writing through normal university communication channels via the student's NSU email.
- 6.2 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) university business days after the date of receipt of notification. The chairperson, for good cause, may postpone the hearing and request the VPSE & DoS or designated representative to notify involved persons of the new hearing date.
- 6.3 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.
- 6.4 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 7.0 Appeal Hearing Procedures

The Appeal Hearing shall provide reasonable opportunity for the student/RSO to present a defense and for witnesses to be heard. Appeal Hearings will be conducted according to the following guidelines:

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- 7.1 The student/RSO is responsible for notifying any witness(es) of the date, time, and place for the Appeal Hearing. The names of witnesses and their relationship to the matter must be submitted to the ASC in writing before the Hearing.
- 7.2 The hearing shall be closed. Those present shall be limited to the VPSE & DoS or designated representative and appropriate staff, maximum of one (1) advisor/advocate for the student and legal counsel for the University, and the committee members. Witnesses shall be sequestered.
- 7.3 The standard of review shall be clear and convincing. The committee shall ascertain whether valid reasons for the outcome(s) were substantiated, and the procedures followed were consistent in their application.
- 7.4 The committee shall follow the procedures outlined herein:
 - 7.4.1 The VPSE & DoS or designated representative presents the procedures and evidence used to reach the decision.
 - 7.4.2 The members of the committee shall have an opportunity to question the VPSE & DoS or designated representative for points of clarification.
 - 7.4.3 The student shall have an opportunity to explain irregularities or inconsistencies in the procedures and/or application of the rules and regulations.
 - 7.4.4 The members of the committee will have an opportunity to question the student for points of clarification.
 - 7.4.5 The members of the committee will have an opportunity to question any witnesses for points of clarification.
 - 7.4.6 The University or the student may present new evidence. Such evidence must have been unavailable for the Accountability Hearing.
 - 7.4.7 The VPSE & DoS or designated representative shall

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present the University's final closing remarks.

7.4.8 The student shall make closing remarks.

7.4.9 The VPSE & DoS or designated representative shall make succinct final remarks.

7.4.10 All involved parties including the VPSE & DoS or designated representative shall be excused and the committee shall commence sequestered deliberations.

7.5 The committee may decide the following:

7.5.1 Uphold the decision of the Hearing Panel,

7.5.2 Reduce or modify the sanctions imposed by the Hearing Panel,

7.5.3 Vacate the decision of the Hearing Panel due to irregularities in procedures, or

7.5.4 Remand the matter for rehearing to cure procedural irregularities.

7.6 The student shall be notified in writing by normal University communication channels of the committee's decision within five (5) university business days following the Disciplinary Appeals 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) university business days.

7.7 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.

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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 a hearing by the student directly to the Board of Supervisors.

ARTICLE X: ACCOUNTABILITY OUTCOMES

A student or RSO committing a violation of this Code shall be subject to the Accountability Outcomes outlined in this article. An Outcome may be imposed alone or with one (1) or more additional Outcomes. Accountability Outcomes for both non-academic and academic misconduct are defined in Sections 1.0 and 2.0 below.

The Accountability Process uses Outcomes to encourage positive change and developmental growth and to protect persons, property, and the integrity of the University. A Student/RSO will receive written notice of assigned Outcomes via NSU email, along with specific conditions required for successful completion.

The ASC may delay registration for classes or withhold the issuance of an official transcript, grade, diploma, or degree to a student alleged to have violated a rule or regulation of the University who has not completed an Outcome or has failed to respond to an ASC directive.

The following Outcomes may be imposed or instituted by the University for any violation of this Code:

Section 1.0 Accountability Outcomes (Non-Academic Misconduct)

- 1.1 **Expulsion.** Permanent, forced withdrawal, involuntary separation (physical and virtual) from Northwestern State University of Louisiana. The student is banned from university property, and the student's presence at any University-sponsored activity or event is prohibited without prior approval from the University Official or VPSE & DoS (Reference: Article XV, Section 1.2.1).

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- 1.2 **Suspension.** Involuntary forced withdrawal from the University for a specified period determined on an individual case basis, which limits the student's access to the campus to written permission in advance from the University Official or VPSE & DoS (Reference: Article XV, Section 1.2.1).
- 1.3 **Voluntary Withdrawal.** An option offered for a student to voluntarily withdraw from the University upon condition that readmission is not sought for a specified period. Upon voluntary withdrawal, campus access is limited to written permission of the University Official(s) or the VPSE & DoS.
- 1.4 **Probation.** Probationary status for a specified period. 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.
- 1.5 **Restriction of Privileges.** Denial, withdrawal, or limitation of one or more privileges made available for students/RSOs by the University for a specified period.
- 1.6 **Work Reparation.** An option available to a student/RSO that can be used in lieu of restitution, or fine.
- 1.7 **Fine.** An order that the student/RSO pays the University a designated sum of money in view of the type of offense.
- 1.8 **Restitution.** An order that the student/RSO make a compensatory payment to an appropriate party for damages to property, loss of funds, or medical bills resulting from an 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. A RSO may be ordered to participate in a workshop or carry out any other reasonable assignment intended to have an educational effect for the organization's membership.
- 1.10 **Censure.** An official, written reprimand, which includes a notification that further instances of misconduct within a stated or indefinite period may result in more severe

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disciplinary action.

- 1.11 **Warning.** A written or oral notice to the student/RSO that a continuation or repetition of a specific behavior may cause further and more severe disciplinary action.
- 1.12 **Bar Against Readmission.** Imposed on a student who has left the University and has an action pending on allegations of disciplinary misconduct. This Outcome terminates on resolution of the matter of disciplinary misconduct but may be superseded by other Outcome(s) as determined in the resolution.
- 1.13 **Residence Hall Suspension.** Separation of the student from the residence halls for a defined period, 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.
- 1.15 **No-Contact Directive (NCD).** A student/RSO may be directed to cease all communication and contact with another student, group of Students, Instructor, other university employee, or another individual. Under a No Contact Directive, a student may be prohibited from entering or remaining in or around a specified university building, facility, or campus area. A NCD may also be issued as an Interim Measure in limited circumstances where it has been determined that a student may be a threat or harm to others.
- 1.16 **Deactivation.** Termination of university recognition of the RSO permanently or for an indefinite period. Reapplication for an RSO deactivated for an indefinite period shall not be permitted within two calendar years from the date.
- 1.17 **Community Service.** The student/RSO may be assigned to a community service site located on or off campus, with acceptance by the agency or organization. A predetermined number of hours must be completed by a given date.

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Section 2.0 Accountability Outcomes (Academic Misconduct)

Students are subject to grade changes, dismissal from classes, and referral to ASC by Department Head, Director, or Dean where academic conduct is alleged. Students should follow the Appeal procedure outlined in the University Catalog to Appeal a grade.

- 2.1 **Expulsion.** Permanent, forced withdrawal, involuntary separation (physical and virtual) from Northwestern State University of Louisiana. The student is banned from university property, and the student's presence at any University-sponsored activity or event is prohibited without prior approval from the University Official or VPSE & DoS (Reference: Article XV, Section 1.2.1).
- 2.2 **Suspension.** Involuntary forced withdrawal from the University for a specified period determined on an individual case basis, which limits the student's access to the campus to written permission in advance from the University Official or VPSE & DoS (Reference: Article XV, Section 1.2.1).
- 2.3 **Voluntary Withdrawal.** An option offered for a student to voluntarily withdraw from the University upon condition that readmission is not sought for a specified period. Upon voluntary withdrawal, campus access is limited to written permission from the University Official(s) or the VPSE & DoS.
- 2.4 **Forced Withdrawal from Course.** Involuntary forced withdrawal (with a "W" placed on the transcript) from the course in which the offense occurred. Credit for the course is not awarded.
- 2.5 **Voluntary Withdrawal from Course.** An option offered for a student to withdraw of their own free will 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 defined period. Restrictions that accompany probation shall be determined on a case-by-case basis. Probation also provides that further infractions of the Code may result in suspension or expulsion from the University.

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- 2.7 **Change in Course Grade.** Change of the grade in course 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, written work, painting, drawing, sculpture, other artwork, or other activity 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 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 cause further and more severe disciplinary action.
- 2.11 **Bar Against Readmission.** Imposed on a student who has left the University and has an action pending on allegations of academic misconduct. This Outcome terminates on resolution of the matter of academic misconduct but may be superseded by other Outcome(s) as determined in the resolution.
- 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.

ARTICLE XI: INTERIM MEASURES

Under certain urgent circumstances, expedited, temporary measures may be necessary or appropriate. Interim Measures may be enacted to ensure the physical safety of the university community.

Section 1.0 Interim Measures - Individual

- 1.1 The Director of Accountability and Student Conduct (ASC) or designee(s) may impose Interim Measures at any point prior to or during the Accountability Process related to an alleged violation upon reasonable belief that a student's continued presence on university-controlled property or at university-

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affiliated activities constitutes an immediate threat/risk of harm to students, other individuals, or university premises.

- 1.2 Reasonable Interim Measures include but are not limited to adjusting student housing arrangements, imposing conditions of mutual no contact between the accused student and the alleged victim, temporarily suspending a student, or banning a student from campus.
- 1.3 A student may request a review of the Interim Measures in writing to the Director of ASC within three (3) university business days of the issuance of the Interim Measures. Reasonable efforts will be made to hold such a review of the Interim Measures before a University Official within five (5) university business days of the receipt of the request for review of the interim measures to determine if the measures should continue, as issued, through the remainder of the Accountability Process. If the student submits a timely review request, the review may be held beyond this five (5) university business day period if scheduling issues exist. During the Hearing, the student shall have the right to be represented by an attorney (at their own expense) or non-attorney Advisor/ Advocate. At any requested review, information will be presented in support of Interim Measures. The student may offer statements or other information to rebut any grounds offered in support of the Interim Measures. The Interim Measures Hearing may result in a continuance of, revocation, and/or modification of the Interim Measures.
 - 1.3.1 A student placed on Interim Measures under this Section will be afforded the opportunity to make up academic work missed during the period the measures were imposed. The student is responsible for arranging with instructors to complete the missed work.
 - 1.3.2 In cases where Interim Measures are upheld because of the Interim Measures Hearing, the measures will remain in effect until a final Outcome is reached through the Accountability Process.

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- 1.4 If the accused student is unable to attend the Interim Measures Hearing, the Hearing shall move forward in absentia.
- 1.5 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.
- 1.6 The decision of the University Official following the Interim Measures Hearing will be final.

Section 2.0 Interim Measures - Recognized Student Organization (RSO)

- 2.1 The Director of ASC or designee(s) may impose Interim Measures on an RSO in certain instances. Some such instances include (a) organized conduct that is a violation of law and/or this Code, (b) when the conduct represents flagrant disregard of the rights or property of persons in the university community, or (c) when the behavior is in a flagrant disregard of the property or authority of the University.
- 2.2 During a timely investigation and Accountability Process, RSO activities may be limited, up to and including a full discontinuation of all activities.
- 2.3 An RSO may request a review of the Interim Measures in writing to the Director of ASC within three (3) university business days of the issuance of the Interim Measures. Reasonable efforts will be made to hold such a review of the Interim Measures before a University Official within five (5) university business days of the receipt of the request for review of the interim measures to determine if the measures should continue, as issued, through the remainder of the Accountability Process. If the RSO submits a timely review request, the review may be held beyond this five (5) university business day period if scheduling issues exist. During the Hearing, the RSO shall have the right to be represented by an attorney (at their own expense) or non-attorney Advisor/Advocate. At any requested review, information will be presented in support of Interim Measures. The RSO may offer statements or other information to rebut any grounds offered in support of the Interim Measures. The Interim Measures

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Hearing may result in a continuance of, revocation, and/or modification of the Interim Measures.

- 2.4 If the RSO representative is unable to attend the Interim Measures Hearing, the Hearing shall move forward in absentia.
- 2.5 An accused RSO'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.
- 2.6 The decision of the University Official following the Interim measures Hearing will be final.

ARTICLE XII: STUDENT GRIEVANCE/COMPLAINT AGAINST NSU EMPLOYEE (NON-TITLE IX)

All student complaints against a university employee should be directed to the Office of the VPSE & DoS or designated representative. The procedure for resolution of a student's grievance/complaint, unless otherwise specified, may begin with the person with whom the student has a complaint. If the issue cannot be resolved or the student feels uncomfortable to address the employee, the matter may be pursued through the immediate supervisor of the person with whom the student has a complaint. A student may end a complaint at any time or convert from informal to formal or vice versa.

Section 1.0 Grievances or Complaint Procedures

The VPSE & DoS administers grievance and complaint procedures. The VPSE & DoS will:

- 1.1 Consult with student(s) in the process.
- 1.2 Advise if the complaint is formal or informal; written complaints are considered formal and shall be initiated via the [Student Grievance/Complaint Against NSU Employee \(Non-Title IX\)](#) form.
- 1.3 Determine the correct path to resolution.
- 1.4 Seek investigative assistance as needed.

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- 1.5 Maintain all records.
- 1.6 Consult with appropriate offices for assistance during the process.
- 1.7 Assign advisor/advocates as requested.

Section 2.0 The Path and Order to Resolve Grievances

The order of resolution for grievances may vary depending upon the employment category of the person against whom the grievance is being made. Grievances against:

- 2.1 Faculty members should initially be pursued through the Department Head, then the Dean of the College, the Provost, and finally the University President.
- 2.2 Staff members should be pursued through the person's immediate supervisor and then the subsequent chain of command to the VPSE & DoS area and finally the University President.
- 2.3 Vice President may be pursued through the University President and the University of Louisiana System Board of Supervisors.
- 2.4 University President should be pursued through the University of Louisiana System Board of Supervisors.

Section 3.0 The Resolution Levels

- 3.1 **Initial Complaint Review:** The [Student Grievance/Complaint Against NSU Employee \(Non-Title IX\)](#) form shall provide the appropriate person with a written statement of grievance, stating 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) university business days of the letter's receipt of the grievance statement. The VPSE & DoS may allow for additional time at any point in the process when extraordinary circumstances exist.

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- 3.2 **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. The student may at his discretion select to go first to the immediate supervisor of the person with whom they have the complaint informal resolutions may result in a written agreement. Advisor/Advocate may be assigned in the informal complaint process.
- 3.3 **Formal Resolution:** Formal Complaints/Grievances shall be submitted on [Student Grievance/Complaint Against NSU Employee \(Non-Title IX\)](#). Students may contact the VPSE & DoS to assist in the grievance process. Students may select an Advisor/Advocate. An Advisor/Advocate can assist during the process and may attend meetings or review written documents. In the formal process, written responses are required.

Section 4.0 The Resolutions

Available resolutions shall be one of the following:

- 4.1 A decision in favor of the student.
- 4.2 A decision supporting the previous action.
- 4.3 A statement of compromise agreed upon in a discussion with the parties involved and signed by them.
- 4.4 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 VPSE & DoS for an additional five (5) university business days, followed by a response as in Sections 4.1 - 4.3 by the end of the additional five (5) university business days.
- 4.5 Information in the agreement is private. Personnel information for employees, in some circumstances, may not be shared and may not be included in the agreement. The University may ask the parties involved to sign a Non-Disclosure Agreement.

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Section 5.0 The Resolution Procedures

At any level, if a student does not receive a response in the manner stated above, the student may, within five (5) university business days, submit the complaint/grievance to the appropriate administrator at the next level.

- 5.1 The procedure will be the same as described above. An administrator's failure to respond will not preclude a student from addressing the grievance to the next level.
- 5.2 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.
- 5.3 If a student provides just cause for the grievance after exhausting the administrative chain, the student may seek redress from the University President.
- 5.4 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 Vice President for the area in question.
- 5.5 The President shall render a final decision within fifteen (15) university business days of receipt of the grievance.
- 5.6 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 reviewing written materials and determining compliance with established and appropriate procedures.

Section 6.0 Notice

- 6.1 Except for appeals going to the University of Louisiana System, students must inform the VPSE & DoS and NSU employees of their decision to either accept a resolution or move to an Appeal within five (5) university business days of the employee's response. Unanswered responses will be considered resolved.
- 6.2 Students may file a grievance or complaint related to university policy or procedure by following the above-outlined

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processes. Student complaints related to the policy will be heard in the area owning or housing the policy. The VPSE & DoS will assist students in the process.

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

ARTICLE XIII: INVOLUNTARY WITHDRAWAL DUE TO EMOTIONAL, PSYCHOLOGICAL, AND/OR MEDICAL REASONS

Northwestern State University is committed to offering an educational opportunity to all students. When a student constitutes a threat to the health, safety, and welfare of the student, others, or university property or is unable to effectively pursue academic studies because of behavior that is disruptive to the educational process of the University, the Behavior Intervention Team (BIT) may take the necessary actions to protect the student in question and any other persons. Such action may include involuntary withdrawal from the University and/or notification of the student's parents or guardians (even if the student is 18 years or older). Danger to self or others may include but is not limited to suicidal attempts, gestures, repeated intentional self-injury, threats or acts of assault and behaviors which necessitate unusual measures to monitor. Decisions of the BIT concerning a perceived imminent threat take priority over other university policies and procedures.

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. Students who refuse or are unable to cooperate with recommended assessment and/or treatment or those whose psychological or physical condition suggests a disorder that is observed to deteriorate to the point of permanent disability or inability to function in the university environment may also be deemed a danger or disruption to the university community. Included in this description are students whose physical or psychological disorder requires specialized services beyond those available on campus or in the local community and whose condition will deteriorate without additional resources (involuntary committal).

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The University reserves the right to require the student to provide documentation of a psychological and/or medical evaluation assessing the student's state and validating the individual's readiness to return to the university environment. Such documentation will be submitted to the VPSE & DoS and will be used to determine the terms of reinstatement of the student.

Section 1.0 Involuntary Withdrawal

Conditions for Involuntary Withdrawal include:

- 1.1 Behaviors, either voluntary and/or involuntary, that violate the Code.
- 1.2 Behavior that poses a direct threat to the health or safety of other university community members.
- 1.3 When the University can no longer guarantee a safe environment for the student after all reasonable interventions and accommodations have been made to provide the student support and protection.
- 1.4 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.

Section 2.0 Involuntary Withdrawal Summons

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

- 2.1 A statement of the reasons for the Conference.
- 2.2 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.
- 2.3 A statement advising the student that the election of a Hearing waives the student's confidentiality rights to medical and

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psychological records for the purpose of the Hearing.

- 2.4 A statement outlining the rights of the student as provided herein. The purposes of the Conference with the Student Conduct Officer or the VPSE & DoS are the following:
 - 2.4.1 Assess the incidents with the student.
 - 2.4.2 Evaluate the degree of the problem.
 - 2.4.3 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.
 - 2.4.4 Review the rights of the student as cited herein.
 - 2.4.5 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 the VPSE & DoS of the appropriate action.

Section 3.0 Procedures

The student shall be afforded the following rights when a Hearing is requested before the Committee:

- 3.1 A written letter of the time and place of the Hearing at least three (3) university business days prior to the Hearing. The letter will also advise the student of the student's right to an Advisor/Advocate as defined in the Code and inform the student that if the student chooses to have an Advisor/Advocate present during the Hearing, the student is required to notify the Director of ASC or the VPSE & DoS at least two (2) university business days prior to the Hearing. Additionally,

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the letter shall inform the student that the student's Advisor/ Advocate shall be limited to advising the student during the proceeding.

- 3.2 The right to present witnesses and evidence on behalf of the student and to question witnesses and challenge evidence presented by the University.
- 3.3 The right to Appeal the decision of the committee to the University President within five (5) university business days of receipt of the Committee's decision. The Appeal is limited to grounds of prejudicial procedural error or arbitrary and capricious actions. The decision to Appeal will not stay the initiation of the Withdrawal. The President shall notify the University Official or the VPSE & DoS and the student within five (5) university business days of receipt of the Appeal.

Section 4.0 Appeal Hearing Request on Involuntary Withdrawal

- 4.1 If a Hearing is requested before the Committee on Involuntary Withdrawal, a Hearing shall be arranged within five (5) university business days. The President appoints the Committee. The Director of ASC or the Vice President for The Student Experience and Dean of Students shall serve in an ex-officio capacity. The Committee shall determine by the substantial weight of the evidence:
 - 4.1.1 Whether the student exhibits the behavior cited herein.
 - 4.1.2 Whether the student should be involuntarily withdrawn.
- 4.2 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.
- 4.3 A student may be removed immediately from university property as provided in the Appeals, Article VII of the Code pending initiation of the above procedures.

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ARTICLE XIV: POTENTIAL CONFLICT OF INTEREST/BIAS

Matters related to the Code should be handled by people free of any actual or reasonably perceived conflicts of interest and biases for or against any party. Any person exercising investigative or decision-making authority under this Code who believes they may have a conflict of interest or bias that would prevent them from impartially exercising their authority shall disclose the potential conflict/bias to the University Official(s) as soon as practicable after it is discovered. Arrangements will then be made to designate a conflict/bias-free alternative decision-maker in the case at issue.

Furthermore, if the accused student or RSO believes a person exercising investigative or decision-making authority under this Code has a conflict of interest or bias relating to the matter that would prevent them from impartially exercising their authority, the student or RSO may promptly object to the University Official(s) within five (5) university business days of becoming aware of the potential conflict.

If the student or RSO believes the University Official(s) has a conflict of interest or bias, such objection should be made to the VPSE & DoS or designee. Regardless of the time, such objection must occur before a determination of responsibility is made under the Code.

If the objection as to a conflict or bias is made with respect to the chairperson or a member of an Accountability body, such an objection must occur before the scheduled Hearing. The challenged person will be replaced if the Director of ASC or designee determines the objection is reasonable. The decision of the VPSE & DoS or designee regarding a challenge will be final.

ARTICLE XV: RECORD RETENTION

Section 1.0 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. All Disciplinary Records are confidential.

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Disciplinary Records are retained as follows:

- 1.1 Files for suspensions, expulsions, and violent offenses are retained indefinitely. All other files are retained for at least seven (7) years after the incident. At the end of the seven-year period, the files may be destroyed in accordance with the university's record disposal policies.
- 1.2 In some cases of misconduct, a student may be suspended or expelled separating the Student from the University. A notation shall be added to include one of the following: permanently dismissed, "STUDENT IS INELIGIBLE TO ENROLL" or suspended for a specified period, "STUDENT IS ELIGIBLE TO RETURN (semester) (year)" on the student's Academic Transcript and maintained in the Office of the University Registrar unless otherwise stated in the Outcome.
 - 1.2.1 The student is prohibited from being initiated into an honorary, social, or service organization and from receiving credit at a component of the University system for scholastic work done in residence or by correspondence or extension. Upon expulsion or suspension, the student's academic record will reflect W's in the semester in which they were separated from the University or grades as recorded by the Registrar upon dismissal. A Disciplinary Hold will be placed on the student's NSU account for the duration of the outcome.
- 1.3 All notations are a permanent part of the academic record.
- 1.4 RSO records are kept in accordance with guidelines for individual student records.
- 1.5 A student's academic transcript and disciplinary records shall be separately maintained.
- 1.6 Disciplinary dismissal results in annotation to the semester's academic transcript. Should the charges be dismissed, the annotation will be removed.

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Northwestern State University students are responsible for staying familiar with the Student Code of Conduct. NSU reserves the right to make changes to this code as necessary, and it will be implemented once those changes are posted online.



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