

**Northwestern State University  
School of Business**

**Student Advisory  
and  
Outreach Board  
(S.A.O.B.)  
Policy Manual**



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## **What is the Student Advisory and Outreach Board?**

The Student Advisory and Outreach Board is a selection of students within the College of Business and Technology who are selected by professors because of their exemplary leadership qualities. The S.A.O.B. acts as a liaison between students, the Dean and faculty of the School of Business.

### **Mission Statement**

“The mission of the NSU School of Business Student Advisory and Outreach Board (S.A.O.B.) is to provide feedback that serves as a catalyst for innovation and engagement while promoting collaborative outreach efforts that will impact and empower all students and stakeholders.”<sup>1</sup>

### **Purpose**

- To provide feedback to the Dean and faculty regarding internal and external factors and matters that may aid in greater efficacy within the College of Business and Technology.
- To foster student engagement in campus-wide and School of Business educational activities and opportunities.
- Assist in developing a positive image for the School of Business while promoting good relations between all stakeholders.

### **Board Meetings**

Meetings are conducted on the second and fourth Thursday of each month, 6:00-7:00p.m. All board members are asked to be present. Board members that do not participate in meetings are subject to the terms of the attendance policy<sup>2</sup>.

Agendas for board meetings are constructed by the board president and approved by the leadership team during regular scheduled leadership team meetings. Upon approval, the board president e-mails the finalized agendas to the board secretary for printing prior to the meeting.

During board meetings, the board secretary records minutes.

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<sup>1</sup> Written by Sharonda Demars, Spring 2017 President

<sup>2</sup> See attendance policy for details

## **Procedure for Minutes**

- 1) Secretary is to send minutes to President within 24 hours of end of meeting.
- 2) President sends minutes out to leadership team; they are given 24 hours to provide feedback.
- 3) Secretary e-mail minutes to the entire board. The board is then given 24 hours to provide feedback.
- 4) Once feedback is received and/or applied to minutes, they are distributed to all S.A.O.B. members. The deadline for this distribution is one week before the next meeting.
- 5) Minutes are officially adopted at the next regularly scheduled board meeting.

## **Procedure for Voting**

For the adoption of policies and/or procedures, voting must occur. The following are voting procedures:

- 1.) The president and/or designee introduces/presents subject matter pertaining to items that he/she wishes to become a part of S.A.O.B. policy and/or procedure.
- 2.) Any active board member moves to make a motion for the policy or procedure to be adopted.
- 3.) Another active board member seconds the motion.
- 4.) The board president states the name of the person that made the motion as well as the person that seconded; and then calls for a general vote stating “All those in favor signify with aye. All opposed signify with nay.” A quorum does not have to be present; majority vote rules.

## **Job Descriptions of Leadership Team**

### **President**

The S.A.O.B. President is responsible for governing the board through developing, establishing and perpetuating board policies and procedures. Additionally, the president oversees the board functions, facilitates collaboration, conducts board and leadership meetings and provides feedback to the Dean and board advisor(s). This is an appointed position.

### **Vice President**

The S.A.O.B. Vice President assists the President in the creation and enforcement of board policies and coordinates events by meeting with committees and determining member availability for participation in events. The VP also performs all other duties as specified by the president. This is an appointed position.

### **Secretary**

Responsible for taking notes during S.A.O.B. meeting and preparing minutes to be archived. Also, must notify S.A.O.B. members of events and biweekly meetings, as well as assist the Vice President and President in any way they may need. This is S.A.O.B.'s only elected position; Secretary will automatically transfer to Vice President position when necessary, or at the end of the academic year.

### **Chief Historian**

Documents S.A.O.B. activities, meetings, and events through photographs and blurbs. In charge of delegating duties to one or more other photographers during the year to adequately record the Board's activities. The Chief Historian will compile all material at the end of each semester to be archived. This is an appointed position.

### **Chamber of Commerce Liaison**

Serves as liaison between the chamber and S.A.O.B.. The liaison must additionally work for the Chamber. The main duty will be to facilitate a relationship between the two parties, as well as work to connect School of Business students with the City of Natchitoches and its opportunities. This is an appointed position.

## **Policies and Procedures**

### **Attendance Policy**

It is in the best interest of NSU School of Business to initiate policies that promote best practices among student leaders. Therefore, it is essential to create standards that foster accountability, integrity, professionalism and commitment. Thus, the S.A.O.B. has adopted the following policy regarding attendance and participation. As of, Feb. 9, 2017, S.A.O.B. members will be required to notify the S.A.O.B. president and/or advisor of the reason(s) that they will be absent from a meeting or service event. Members are allowed two excused absences and one unexcused absence. Upon the enforcement of this policy, any member missing one meeting/event without proper documentation of an excused absence will receive a warning. Should a member miss two meetings/events without notifying the board president and/or advisor, they will be relieved of their leadership privileges and removed from the S.A.O.B. roster. Events include the two events that S.A.O.B. members are required to volunteer for each semester. Excused absences are absences for which there is verifiable proof (ex. medical excuse, work excuse, personal hardship etc.).

### **Dress Code**

S.A.O.B. members are required to wear business attire at board meetings and events unless otherwise specified by the president and/or advisor.

### **Reinstatement Policy**

A board member may be eligible for reinstatement upon his/her request. The candidate for reinstatement must complete the S.A.O.B. request for reinstatement form and submit it to the board president and/or advisor. Upon submittal, the form will be reviewed by the leadership team; and a decision will be made within 7-10 business days. If granted approval, the board member must not incur any additional absences or he/she will be removed from the board indefinitely.

# NSU Student Code of Conduct

## Preface

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

## Campus/Classroom Civility Statement

Northwestern State University students, staff, and faculty are expected to create an environment that promotes academic excellence, personal dignity, mutual respect, and individual responsibility in both face-to-face and electronic educational settings regardless of the content of the ideas and opinions being shared. Ideas and opinions that are controversial or in opposition to others are welcomed in the NSU environment, and this policy shall not be used to prohibit the sharing of controversial or unpopular ideas or opinions but merely to call for civility when idea and opinion sharing.

All members of the NSU community have the right to a safe environment free of disturbances and civil in all aspects of human relations. Whether in a face- to-face or online classroom, students who engage in disruptive or abusive discourse or actions may be removed from the class and subject to disciplinary sanctions. In on-campus classrooms, students who speak at inappropriate times, take frequent breaks, interrupt the class by coming to class late or leaving early, engage in loud or distracting behaviors, use cell phones or other noise-making devices, wear headphones, are distracted with computers or other electronic devices, are verbally abusive, display defiance or disrespect to others, or behave aggressively toward others during the class period may be

removed from the class and may be subject to disciplinary action under the Northwestern State University Student Code of Conduct (Articles IV Infractions and VII Sanctions). The instructor of a course may deem additional behaviors or actions inappropriate; these actions or behaviors will be outlined in the course syllabus. Copies of infractions and sanctions are available on the NSU website at [nsula.edu/studenthandbook](http://nsula.edu/studenthandbook).

## ARTICLE I • Introduction

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

The University has an inherent interest in developing policies to preserve and enhance the University's ability to function effectively and efficiently as an academic institution. These policies entail recognition of both rights and

responsibilities for all members of the University community. These considerations make student conduct a legitimate concern of the University.

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

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

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

General authority in the governance of students enrolled at Northwestern State University is delegated to the University President by the University of Louisiana System Board of Supervisors. Within the scope of this authority delegated the President, and pursuant to further delegation to the Dean of Students, this Code of Student Conduct is promulgated for Northwestern State University.

This Code shall be published and made available by reasonable means, to students attending the University, and shall be applicable to all students. Upon enrollment, a student shall be deemed to have accepted the conditions and obligations stated herein and to have agreed to be bound hereby, in addition to all other applicable University regulations which have been or may in the future be issued and published by proper authority. This Code shall likewise apply to all student groups, whether formally or informally organized and whether recognized by the University or not.

Conduct off campus as well as that taking place on University property shall be fully within the scope of this Code. The fact that criminal or civil proceedings may be instituted against a student or student organization shall not bar commencement of the disciplinary process involving such student or student organization under this Code, nor shall the University be bound by the outcome of such proceedings in the University's determination of whether misconduct did or did not occur or in the selection of an appropriate sanction. Regarding conduct by a student which may be the subject of such a criminal or civil action, the University shall have the discretionary right to proceed under this Code against the student before, during the pendency of, or after the final disposition of such action, or even in the absence thereof. The University shall resort to the disciplinary process only where the alleged conduct directly and/or adversely affects the mission of the institution or the campus community.

The University may exercise jurisdiction off-campus when:

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

**ARTICLE II • Definitions**

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

**SECTION 1.0 Terms**

**1.1 1.2**

**Attorney:** An attorney licensed to practice law in the state of Louisiana.

**Conference:** Meeting conducted by the Dean of Students or designated representative at which a student is verbally informed

of an allegation(s) that the student has committed an infraction(s) of this Code and the student is provided an opportunity to respond. The Dean of Students or designated representative may dismiss the complaint, administer sanction(s) or schedule an administrative hearing.

- 3. **1.3 Counsel:** University faculty, staff or students selected to advise a student during a hearing.
- 4. **1.4 Record:** A written or electronic transcript of the proceedings of an administrative or appeals hearing.
- 5. **1.5 Student:** The term "student" includes all persons taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate, or professional studies and those who attend post-secondary educational institutions other than the University and who reside in University residence halls. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students" solely for the purposes of the interpretations of this Code.
- 6. **1.6 University:** Northwestern State University of Louisiana.
- 7. **1.7 Dean of Students:** University employee (or designee) empowered by the University President to implement this Code and perform other assigned duties.

**SECTION 2.0 Phrases**

the sanction of probation, suspension or expulsion imposed on the student appellant by the Vice President of Student Experience or designated representative.

3. **2.3 Banishment from Campus:** Prohibition from access to University property, activities, or events.
4. **2.4 Class Day:** A day on which classes are regularly scheduled or final exams are scheduled.
5. **2.5 Normal University Communication Channels:** The use of University personnel to deliver a written or oral notification to a student.
6. **2.6 Substantial Evidence:** That evidence which a reasonable mind might accept as adequate to support a conclusion; more likely than not (Black's Law Dictionary, 1983).
7. **2.7 Preponderance of Evidence:** The standard used in cases of sexual misconduct;
8. **2.8 University Personnel:** Any person employed by the University for any purpose.
9. **2.9 University Property:** All land, buildings, equipment, and facilities owned, leased or controlled by the University.

### **ARTICLE III • Student Rights and Responsibilities**

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

#### **2.1**

**Administrative Hearing:** A formal hearing conducted by the Vice President of Student Experience or designated representative in which, should allegations of misconduct be substantiated, the alleged student violator may be subject to a sanction.

#### **2.2**

**Appeals Hearing:** A formal hearing conducted by a committee to hear an appeal of

### **SECTION 1.0 University Community**

1. **1.1** The University has the right and the responsibility to formulate and disseminate policies to promote the general welfare of the University community. Students have the responsibility to know such policies of the University.
2. **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.
3. **1.3** Students shall conduct themselves in a manner which recognizes the rights of others and promotes the welfare of the University community.

### **SECTION 2.0 Academic Freedoms and Responsibilities**

1. **2.1** In academic matters students have a right to be governed by justifiable regulations.
2. **2.2** Students have a right to an environment conducive to learning and free from distraction. Students are responsible for behavior which is conducive to the teaching/learning process.

3. **2.3** Students shall be free to take reasoned exception to data and views offered in the classroom without reprisal provided such exception does not hinder the structured learning process.
4. **2.4** Students have a right to grades that represent the instructor's professional judgment.
5. **2.5** Students have a right to accurately and clearly stated information which would enable them to determine:

1. **2.5.1** The general requirements for establishing and maintaining an acceptable academic standing.
2. **2.5.2** Their own academic admission status with the University and any special conditions which apply.

**2.5.3** The graduation requirements of any particular degree program.

**2.6** Students have a right to be informed of the content and objectives of a course, the method of evaluation and the relative importance of each test, paper, etc., comprising the total evaluation for the course.

**2.7** Students are responsible for meeting the requirements of a course according to the standards of performance established by the instructor.

**2.8** Students have a right to protection against improper disclosure of information acquired by instructors related to the student's grades, views, beliefs, health or character.

**2.9** Students have a right to seek assistance from an instructor during the instructor's scheduled office hours.

**2.10** Students have the right to refrain from activities that involve unreasonable risk to the student's physical and mental health.

### **SECTION 3.0 Educational Records**

**3.1** A student's right of confidentiality in and access to student educational records shall be stated in University policy.

**3.2** A student's academic transcript and disciplinary records shall be separately maintained. Disciplinary dismissal now results in annotation to ACD. Transcript of semester eligible for readmission-effective spring 2007.

### **SECTION 4.0 Freedom of Inquiry and Expression**

#### **4.1 4.2**

Students shall be free to examine and to discuss all questions of interest and express opinions.

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.

3. **4.3** Discussion and expression of all lawful views is permitted within the institution in public places subject to reasonable time, manner and place required for maintenance of order and to applicable state, federal and local laws. The University retains the right  
  
to provide for the safety of individuals, the protection of property, and the community of the educational process in maintaining order.
4. **4.4** Recognized student organizations may invite and hear any persons of their own choosing, subject to requirements for use of institutional facilities and subject to the University speakers policy stated in 4.3 above.
5. **4.5** Students have a right to express opinions through student media and they have a responsibility to adhere to the canons of professional journalism.

### **SECTION 5.0 Student Life**

1. **5.1** Students shall be free to organize and associate to promote their common interests.
2. **5.2** Student organizations are required to publicize information concerning purpose, criteria for membership and a current list of officers.
3. **5.3** Recognized student groups may use University facilities, if available, in accordance with normal scheduling policies.

### **SECTION 6.0 University Housing**

- 6.1** A student has the right to be secure in his or her possessions against invasion of privacy and unreasonable search and seizure.
2. **6.2** Students shall not violate the rights of other students residing in University residential facilities.
  3. **6.3** University housing is a privilege and not a right.
  4. **6.4** Students shall be in compliance with housing regulations and on-campus residency requirements.

### **SECTION 7.0 Redress of Grievances**

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

### **ARTICLE IV • Infractions**

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

For academic infractions, students may receive a grade of 0 on an assignment or a grade of F in the class and be referred to Student Conduct for additional sanctions; or, a student may be referred for the purpose of creating a record in the Office of Student Conduct. For information on the Northwestern State Honor Code and Grade Appeal Procedures, see Academic Regulations, in the current Northwestern State University of Louisiana catalog. For information on disciplinary records, see Policies and Procedures in the NSU Student Handbook.

### **SECTION 1.0 Academic Infractions**

1. **1.1** Collaborating, conspiring or cooperating during an examination with any other person by giving or receiving information without authority.
2. **1.2** Copying or obtaining information from another student's examination paper.
3. **1.3** "Duplicity" defined as the offering for credit identical or substantially unchanged work in two or more courses without approval in advance by the instructor(s).
4. **1.4** "Plagiarism" defined as the use of any other person's work and the unacknowledged incorporation of that work in one's own work in fulfillment of academic requirements.
5. **1.5** Requesting, bribing, blackmailing or in any other way causing any other persons to obtain an examination or examination in the process of being administered.
6. **1.6** Selling or giving away all or part of an examination.
7. **1.7** Selling, giving or otherwise supplying to another student for use in fulfilling academic requirements any theme, report, term paper, essay, other written work, painting, drawing, sculpture, or other art work.
8. **1.8** Stealing, buying or otherwise obtaining all or part of an examination.
9. **1.9** Submitting as one's own, in fulfillment of academic requirements, any theme, report, term paper, essay, other written work, painting, drawing, sculpture, or other art work of another person.
10. **1.10** Substituting for another person or permitting another person to substitute for one's self to take an examination or for class attendance.
11. **1.11** Using material during the examination not authorized by the person administering the examination.

### **SECTION 2.0 Financial Infractions**

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

### **SECTION 3.0 Health and Safety Infractions**

**3.1** Illegal or unauthorized possession of fire- arms, ammunition, explosives, fireworks, or any other dangerous weapon (any instrument that may be used to inflict bodily harm), substance or material of any kind on University property or at any University approved activity.

**3.1.1** Possession of a firearm, when in violation of state laws, System policy, or university policy, shall be grounds for dismissal from the university. Such campus disciplinary action must be written and published in the Student Code of Conduct. [http://www.ul-system.net/assets/docs/searchable/boards/ppm\\_weapons\\_on\\_campus.pdf](http://www.ul-system.net/assets/docs/searchable/boards/ppm_weapons_on_campus.pdf)

**3.2** Setting a fire or attempting to set a fire on University property without proper authorization.

**3.3** Unauthorized use, possession, or alteration of firefighting equipment, alarm devices, security systems, or other emergency or safety equipment.

**3.4** Swimming or wading in Chaplin's Lake except in authorized areas during authorized times.

**3.5** The making of a false report of a bomb, fire, or other emergency on or off University property by means of activating an alarm or any other method.

**3.6** Conduct which threatens or endangers the health and safety of another person.

#### **SECTION 4.0 Informational Infractions**

1. **4.1** Fabricating, forging, altering, or misusing any University document, record, instrument of identification, etc.
2. **4.2** Furnishing false information to the University with the intent to deceive.
3. **4.3** Obtaining any service or thing of value from the University by false pretense.
4. **4.4** Providing false identification to duly authorized University personnel.
5. **4.5** Unauthorized use of or access to information in any forms proprietary to the University.
6. **4.6** Theft or abuse of computer time, including but not limited to:

a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.

b. Unauthorized transfer of a file.

c. Unauthorized use of another individual's identification and password.

4. Use of computing facilities to interfere with the work of another student, faculty member or university official.
5. Use of computing facilities to access, send, or receive obscene and/or abusive messages. f. Use of computing facilities to interfere with normal operation of the University computing system.

#### **SECTION 5.0 Organizational Infractions**

**5.1** A student group or organization shall be deemed responsible for infractions committed by individuals where such acts:

1. **5.1.1** Are mandated, sponsored, approved, or encouraged by the group or organization, whether explicit or implicit.
2. **5.1.2** Take place in the context of a tradition, custom or past practice of the group or organization.

**5.1.3** Are reasonably foreseeable as a result of an activity carried on by the group or organization.

## **SECTION 6.0 Personal Conduct Infractions**

1. **6.1** Disorderly conduct which disturbs the orderly functions and processes of the University and/or infringes on the rights of others as defined by this Code.
2. **6.2** Intentional interference with the right of access to University facilities.
3. **6.3** Intentional obstruction or disruption of teaching, research, administration, disciplinary procedures, or University authorized activities and events.
4. **6.4** The intentional interference with the lawful rights of any person on campus.
5. **6.5** Loud music, noise, or disruptive conduct.
6. **6.6** Physical abuse or threat thereof, verbal abuse, bullying, harassment, domestic or dating violence, intimidation, stalking, coercion, against any person.
7. **6.7** Sexual misconduct as outlined in the definitions found under the Sex Discrimination and Sexual Misconduct Policy in the Student Handbook including but not limited to sexual assault, sexual abuse, violence of a sexual nature, sexual harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent of the persons depicted therein, as well as dating violence, domestic violence and stalking.
8. **6.8** Violation of a restriction or condition of probation.

## **SECTION 7.0 Unlawful Acts and Policy Infractions**

1. 7.1 Failure to comply with written Board of Supervisors or University regulations including those related to student housing and operation of motor vehicles on University property.
2. 7.2 Conduct in violation of federal or state statutes or local ordinances.

## **SECTION 8.0 Property Infractions**

1. **8.1** Vandalism, destruction, damage, defacement, abuse, or misuse of public or personal property, whether intentional or by negligence.
2. **8.2** Theft, embezzlement, misappropriation, or the unauthorized temporary taking or possession of the property of another, including the property of the University.
3. **8.3** Littering on University property.
4. **8.4** Unauthorized occupation of, entry on or into University property.
5. **8.5** Unauthorized use, possession, duplication, and/or distribution of one or more keys to university property.

## **SECTION 9.0 Substance Infractions**

1. **9.1** Possession or consumption of alcoholic beverages on university property, during any trip sponsored by the University or University affiliated organization except as provided in university policy.
2. **9.2** Unauthorized or illegal possession, use, sale, manufacture, or transportation of narcotics, stimulants, depressants, hallucinogenic, or other controlled substances as defined by state statute.
3. **9.3** Public intoxication and/or operation of a motor vehicle or water craft while intoxicated.

## **SECTION 10 .0 Other Infractions**

**10.1** Failure to comply with a lawful order, direction or request of a University employee made by the employee in the performance of the employee's duties.

**10.2** Any conduct not specifically stated herein which adversely affects the educational processes of the University or the rights of members of the University community or others.

**10.3** Aiding or inciting others to commit any infraction in this Code.

**10.4** Hazing in any form, including any action taken or situations intentionally created which may bring to an individual undue attention that may be degrading, demeaning or cause physical discomfort, emotional ridicule or harassment.

**10.5** Stalking which is, the repeated following or harassing of another person accompanied by the making of a credible threat with the intent to place that person in reasonable fear of death or serious injury.

**10.6** Visitation on other college or university campuses or industrial sites, or any property for the purpose of defacing or destroying said property, or of disrupting normal activities of such institutions or property.

## **ARTICLE V • Administration of the Code of Student Conduct**

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

### **SECTION 1 .0 Filing a Complaint**

1. **1.1** A complaint alleging a student or an organization committed an infraction(s) of this Code may be filed by any member of the University community or authorized University personnel having knowledge of the infraction(s) based on personal observation or other reliable information.
2. **1.2** Complaints must be in writing.
3. **1.3** The complaint shall identify the alleged infraction(s), the facts upon which the allegation is based, and shall be signed by the person filing the complaint.
4. **1.4** Filing the complaint shall be accomplished by submitting the signed complaint to the Dean of Students or any member of the Student Affairs staff.

### **SECTION 2 .0 Preliminary Investigation**

1. **2.1** Upon receipt of a complaint that a student has allegedly committed an infraction(s) of this Code, the Dean of Students or designated representative shall conduct a preliminary investigation. In cases of alleged sexual misconduct, investigators may assist in the investigation process.

2. **2.2** If the preliminary investigation indicates the allegation to be unsubstantiated, the Dean of Students or designated representative shall dismiss the complaint.
3. **2.3** If the allegation is found to have substance, the Dean of Students or designated representative shall summon the student and conduct a conference. A substantive allegation may result in a temporary hold being placed on a student's record.
4. **2.4** The student may choose during the conference to:

**2.4.1** Admit knowingly and willingly to the allegation(s) in writing and waive all further

hearings and right to appeal and agree to accept the disposition of the matter.

2. **2.4.2** Admit knowingly and willingly to the allegation(s) and request an administrative hearing.
3. **2.4.3** Deny the allegation(s) in writing and agree to accept the Dean of Students disposition of the matter without benefit of an administrative hearing or right to appeal.
4. **2.4.4** Deny the allegation(s) and request an administrative hearing.

**2.5** Following the conference, the Dean of Students or designated representative shall dismiss the complaint as unsubstantiated, administer appropriate sanctions, or schedule an administrative hearing. The outcome of the conference will be provided to the student in writing in a letter or with

a copy of the signed Northwestern State Judicial Affairs Status Report through the normal University communication channels via student email, via US mail or by certified mail return receipt requested. The student may appeal a decision resulting from a conference by requesting in writing an Administrative Hearing with the Vice President of Student Experience if the initial conference was with the Dean of Students or with the Dean of Students, if the initial conference was with a designated representative within three (3) class days after receipt of notification of the outcome of the conference. A student may request an Administrative hearing using the appeals criteria listed in Article VI.

## **SECTION 3.0 Administrative Hearing**

### **3.1**

Notice of an administrative hearing shall be in writing through normal University channels or certified mail return receipt requested. The notice shall state the alleged act(s) of the student, the infraction(s) of the Code allegedly committed, and the date, time and place of the hearing.

2. **3.2** The notice of the hearing shall advise the student of the student's right to counsel (as defined in Article II, Section 1.3) during the hearing and right to view evidence prior

to the hearing. In cases of alleged sexual assault or harassment, notice of the hearing shall advise the student of the student's right to an attorney (as defined in Article II, Section 1.1) during the hearing. The role of the attorney is to advise only. Both complainant and respondent are allowed legal counsel.

3. **3.3** Legal rules of evidence do not apply (except in cases of sexual misconduct where Preponderance of Evidence is used) in an administrative hearing, but the Vice President of Student Experience or designated representative may use and give probative effect to evidence that possesses probative value and is commonly accepted by a reasonable person.
4. **3.4** An administrative hearing shall be scheduled at a reasonable time to allow the student to prepare proper defense.
5. **3.5** The Vice President of Student Experience or designated representative or designated representative shall set the date, time, place, and make necessary arrangements for the administrative hearing.
6. **3.6** The Vice President of Student Experience or designated representative, for good cause, may reschedule the hearing.
7. **3.7** The hearing procedure shall be informal and provide reasonable opportunity for the student to present a defense and for witnesses to be heard. The respondent student is responsible for notifying any witness of the date, time, and place for the hearing. The names of witnesses and their relationship to the matter must be submitted to the Office of the Vice President for Student Experience in writing in advance of the hearing.

**3.7.1** The hearing shall be closed only to those persons directly involved.

**3.7.2** The Vice President of Student Experience or designated representative shall present the University's evidence and call such witnesses as required.

**3.7.3** The student shall present any evidence or call such witnesses to present a defense.

**3.7.4** The Vice President of Student Experience or designated representative and/or student may question all witnesses.

**3.7.5** The student is given an opportunity to make a final statement.

**3.8** Within three class days of the conclusion of the administrative hearing, the Vice President of Student Experience or designated representative may dismiss the allegations as unsubstantiated or impose appropriate sanctions. The notice of decision shall be delivered by normal University communication channels or certified mail return receipt requested. The notice shall include proper appeals procedures.

## **ARTICLE VI • Appeals Procedures for Article V**

A student may appeal a decision of the Vice President of Student Experience or designated representative which results in the student receiving the sanction of disciplinary probation, suspension from on-campus classes, suspension or expulsion from the University or suspension from residing in a University residence hall or for any sanction related to sexual misconduct. A student may appeal on the basis of; a) new evidence is available which was unavailable at the initial hearing; b) the student believes the University failed to follow its procedures; or c) the student believes the sanction is excessive for the infraction. The student shall submit a written appeal to the Vice President of Student Experience or designated representative within five class days of receipt of notice of such sanction.

## **SECTION 1.0 Appeals Committee**

1. **1.1** The appeals committee shall consist of eleven members, four faculty or staff members and two students appointed by the University President, and two faculty or staff members and three students recommended by the Student Government Association and appointed by the University President. When hearing cases of sexual misconduct, students may be released from the committee.
2. **1.2** The University President shall appoint the chairperson. In the absence of the appointed chairperson, the committee shall elect a temporary chairperson.
3. **1.3** A quorum shall consist of six members, two of which must be student members.
4. **1.4** Faculty or staff members shall serve staggered terms of four years; student members shall serve for their tenure as a full-time student in good standing with the University.
5. **1.5** A member unable to serve shall submit a written resignation to the chairperson. A chairperson unable to serve will submit a written resignation to the University President.
6. **1.6** The committee may remove a member by simple majority vote for malfeasance, nonfeasance or misfeasance of the committee's responsibilities.
7. **1.7** If a quorum of the committee cannot be assembled in order to meet time lines required by this Code, the University President shall make the necessary temporary appointments to provide a quorum.

## **SECTION 2.0 Chairperson's Responsibilities**

**2.1** The chairperson shall instruct the committee on this Code and hearing procedures. The hearing shall be conducted in the spirit of fair play. Rulings of the chair may be overruled by a two-thirds vote of the members present.

**2.2** The chairperson presides over the hearing.

**2.3** The chairperson ascertains that the Vice President of Student Experience or designated representative and the student have performed their responsibilities.

**2.4** The chairperson rules on the admissibility of evidence, motions, objections and recognizes committee members for the purpose of questioning.

## **SECTION 3.0 Student Affairs Administration Responsibilities**

**3.1** The Vice President of Student Experience or designated representative, with the concurrence of the chairperson shall establish the date, time, place and provide notice of hearing to all involved persons.

**3.2** The Vice President of Student Experience or designated representative shall provide the student with a transcript of the administrative hearing if requested by the student. New evidence and/or names of witnesses, which were unobtainable or unavailable for the administrative hearing, shall also be provided to the student.

**3.3** The Vice President of Student Experience or designated representative summons students and/or University personnel to serve as witnesses and insures that evidence and/or witnesses requested by the student and/or committee are available for the hearing.

4. **3.4** The Vice President of Student Experience or designated representative reports non-compliance with a summons by University personnel to the appropriate vice president.
5. **3.5** The Vice President of Student Experience or designated representative makes necessary arrangements for the hearing, including the recording of the proceedings.
6. **3.6** The Vice President of Student Experience or designated representative shall present the case on behalf of the University.

#### **SECTION 4.0 Students Responsibilities**

1. **4.1** The student shall appear for the hearing on the scheduled date at the prescribed time.
2. **4.2** The student shall notify the Vice President of Student Experience or designated representative in writing three days prior to the hearing of any documents or witnesses the student wishes summoned on the student's behalf.
3. **4.3** At least three class days prior to the hearing, the student shall notify the Vice President of Student Experience or designated representative if the student is to be advised by an attorney during the hearing.

#### **SECTION 5.0 Notice of Hearing**

1. **5.1** Notification of the hearing shall be in writing through normal University communication channels by certified mail addressed to the student at the address appearing in the registrar's records. If the student is a minor, a copy of the letter may be mailed to the student's parents or guardian.
2. **5.2** The notice shall specify the date, time and place of the hearing. The hearing shall not be less than four nor more than ten class days after the date of receipt of notification. The chairperson, for good cause, may

postpone the hearing and request the Vice President of Student Experience or designated representative to notify involved persons of the new hearing date.

**5.3** The notice shall direct the student to appear and inform the student that failure to do so without good cause will result in the student's forfeiture of the right to appeal.

**5.4** The notice shall advise the student that the hearing shall be closed and of the student's right to be advised by counsel or attorney and right to present evidence and question witnesses.

#### **SECTION 6.0 Hearing Procedures**

**6.1** The hearing procedures shall be informal in nature and provide reasonable opportunities for witnesses to be heard.

**6.2** The hearing shall be closed. Persons present shall be limited to the Vice President of Student Experience or designated representative and appropriate staff, members of the student's immediate family, attorneys or counsels for the student and University, and the committee members. Witnesses shall be sequestered.

**6.3** The standard of review shall be arbitrary and capricious. The committee shall ascertain whether or not valid reasons for the sanctions were substantiated and the procedures followed were consistent in their application.

**6.4** The committee shall follow the procedures outlined herein:

**6.4.1** The Vice President of Student Experience or designated representative presents the procedures and evidence used to reach the decision.

**6.4.2** The members of the committee shall have an opportunity to question the Vice President of Student Experience or designated representative for points of clarification.

3. **6.4.3** The student shall have an opportunity to explain irregularities or inconsistencies in the procedures and/or application of the rules and regulations.
  4. **6.4.4** The members of the committee will have an opportunity to question the student for point of clarification.
  5. **6.4.5** The University or the student may present new evidence. Such evidence must have been unavailable for the administrative hearing.
  6. **6.4.6** The Vice President of Student Experience or designated representative shall present the University's final closing remarks.
  7. **6.4.7** The student shall make closing remarks.
  8. **6.4.8** The Vice President of Student Experience or designated representative shall make succinct final remarks.
  9. **6.4.9** All involved parties including the Vice President of Student Experience or designated representative shall be excused and the committee shall commence sequestered deliberations.
- 
5. **6.5** The committee can uphold the decision of the Vice President of Student Experience or designated representative, reduce the sanctions imposed by the Vice President of Student Experience or designated representative vacate the decision of the Vice President of Student Experience or designated representative due to irregularities in procedures or remand the matter for rehearing to cure procedural irregularities.
  6. **6.6** The student shall be notified in writing by normal University communication channels or certified mail return receipt requested of the committee's decision within three class days following the hearing. The notice of decision shall inform the student of the student's right to appeal, in writing, the committee's decision within five class days to the University President.

**6.7** A student may appeal to the Board of Supervisors if the sanction is one of suspension from the university for a period of one academic year, or if the sanction is of greater severity. For appeals regarding less severe sanctions, the final appeal shall be at the university level. If the student chooses to appeal to the Board of Supervisors after all administrative procedures have been exhausted at the institutional level, the appeal must be within 30 calendar days of the institution's decision. The Board's review is limited to a determination of compliance with established and appropriate procedures at the institutional level. The student shall be notified of the Board's decision.

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

## **ARTICLE VII • SEXUAL MISCONDUCT FORMAL COMPLAINT RESOLUTION PROCEDURE**

### **SECTION 1.0 Complaint Filed Against a Student**

#### **1.1**

Title IX Complaint Form should be completed and signed by either the Complainant or the Title IX Coordinator on behalf of the Complainant. This Complaint form can be supplemented with supporting documentation; however, in order to maintain privacy for all parties, a copy of the Formal Complaint is the only document which will be released to either party.

2. 1.2 All other documentation will be made available to either party or their advisors upon request at a mutually-agreeable time and location.
3. 1.3 Informal Resolution: If the Complaint is an Informal Complaint or non-criminal in nature, and both parties understand and acknowledge the substance of the Complaint and the requested resolution, the Complaint may be resolved informally if appropriate. Physical conduct that may be criminal in nature may be inappropriate for Informal Resolution. If the Complainant chooses to file an Informal Complaint, the Complainant must be notified of the right to end the informal process at any time and the right to pursue a Formal Complaint and/ or take legal action.

### **SECTION 2.0 Formal Complaint**

1. 2.1 A Formal Complaint is one where the facts or remedy may be disputed. A Formal Resolution will result in an Investigation.
2. 2.2 The Respondent will be called to a meeting with the Title IX Coordinator and informed of the Complaint.
3. 2.3 The Respondent may be issued a preliminary directive to stay away from the Complainant as an interim measure, although this is not a judicial finding.
4. 2.4 All efforts to maintain privacy and confidentiality will be made throughout the process.
5. 2.5 Both parties will have access to documentation per the Code of Conduct.
6. 2.6 Both parties may have advisors and/or advocates, including legal counsel, to support and assist them during the Investigation and Appeal stages of the process.

2.7 The Title IX Coordinator or the Vice President of Student Affairs may appoint a designee to serve on their behalf if appropriate.

2.8 All processes will consider, as part of its deliberations, whether the Determination will result in (a) bringing an end to the violation in question; (b) reasonably prevent a recurrence of a similar violation; and (c) remedy the effects of the violation on the Complainant and the University community.

2.9 General timelines for processes are listed below; although, in the event that the Investigation is not initiated within this timeframe, the investigator and/or the Title IX Coordinator, or designee, should document the reasons for any delay.

### **SECTION 3.0 Preliminary Investigation and Notification**

3.1 The preliminary Investigation is a review of the incident description, files history, facts, and patterns.

3.2 The Title IX Coordinator will generally conduct the preliminary Investigation. If after the preliminary Investigation the Title IX Coordinator determines that the Complaint is properly handled through another Complaint mechanism, the Complaint will be routed accordingly.

3.3 The names of the Disciplinary Appeals Committee, who have been selected to review an Appeal, if any, will be provided to both parties. An opportunity for either party to object to any member will be offered.

3.4 Both parties will be instructed not to conduct their own Investigation and to provide any relevant information, such as a list of potential witnesses to the Title IX Coordinator.

3.5 Instructions provided regarding the confidentiality of information.

6. 3.6 Instructions provided as to how to review the files.

7. 3.7 The timeline between the Formal Complaint and the Investigation to begin is generally five (5) University business days, excluding campus holidays/breaks (hereafter referred to as University Business Days).

### **SECTION 4.0 Investigation**

4.1 The Title IX Coordinator may conduct the Investigation, may designate an alternative trained investigator, or may ask for the assistance from another trained campus investigator.

6. 5.6 The Determination Letter will include information about the appeals process, see sections 6 -9 below. The Determination Letter will be copied to the Vice President of Student Experience.

7. 5.7 The Title IX Coordinator will make arrangements for both parties to review documentation as requested. There is no deadline to request this opportunity.

### **SECTION 6.0 Appeals**

2. 4.2 The investigator(s) will interview all individuals involved in the Complaint and compile documentation. 6.2

3. 4.3 Efforts will be made to complete the Investigation within 21 University business days.

### **SECTION 5.0 Complaint Determination**

1. 5.1 The Title IX Coordinator will receive all Investigation reports and will make a Determination as to whether specific violations of the Sexual Misconduct Policy occurred.

2. 5.2 The decision will be substantiated using the preponderance of evidence standard.

3. 5.3 A Determination can also be made that the allegations, while made in good faith, were not true.

4. 5.4 The Title IX Coordinator may contact either party to ask clarifying questions prior to making a Determination but is not required to do so.
5. 5.5 Both parties will be notified in writing regarding the decisions issued through the issuance of a Determination Letter with five (5) University business days. Determination Letter will include the decision and the sanction. See Article VIII Sanctions

## 6.1

Either party may Appeal. Appeals shall be in writing and provided to the next appellate, in the processes described below, within five (5) University business days of receipt of the Letter of Determination.

All Appeals should be limited to a party's belief that a procedural error occurred, that the Sanction was disproportionate to the violation, or that new substantial information, sufficient to alter a Determination or Sanction, is now available.

If either party submits a written Appeal of the Determination Letter, an Intent to Appeal Letter will be sent to both parties by the appropriate appellate within two (2) University business days.

## 6.3

### **SECTION 7.0 Appeal to Vice President of the Student Experience**

1. 7.1 The initial Appeal will be heard by the Vice President of the Student Experience (VPSE).
2. 7.2 The hearing with the VPSE will convene within seven (7) University business days of receiving notification of either party's request to Appeal.
3. 7.3 An advisor, including legal counsel, may be present on behalf of either party. Such counsel may consult privately with but may not directly participate.
4. 7.4 Parties will appear separately before the VPSE and provide a verbal statement as to why the previous decision should or should not be upheld. Verbal statements are limited to 15 minutes and no other individuals will be allowed to make statements on their behalf. Either party may send a written statement. Neither party is required to speak to the VPSE, or even attend, and will not be penalized for failing to participate in the Appeals process. If either party chooses not to submit a statement or appear before the VPSE, the VPSE will make the recommendation based on the information they have received. Upon timely request by either party, the University may be able to accommodate statements via electronic means in appropriate circumstance.
5. 7.5 Both Parties shall have the opportunity to explain the reason for their appeal based on criteria stated in Section 6.2 above. The VPSE will have an opportunity to question both parties for clarification.
6. 7.6 The VPSE will formulate a decision based upon a preponderance of evidence standard.
7. 7.7 The VPSE will draft a recommendation to uphold or overturn the previous decision, in whole or in part. This decision should be made within five (5) University business days. Both parties will be notified in writing regarding the decisions issued through the issuance of a Determination Letter. The letter will

include information that either party may Appeal, in writing, within five (5) University business days, to the Disciplinary Appeals Committee (DAC). The DAC Chair will be copied within the letter.

### **SECTION 8 .0 Appeal to Disciplinary Appeals Committee**

8.1 If either party submits a written Appeal of the Determination Letter at this stage in the process, an Intent to Appeal Letter will be sent to both parties by the DAC Chair within two (2) University business days.

2. 8.2 The hearing with the DAC will convene within seven (7) University business days of receiving notification of either party's request to Appeal. The Dean of Students Office or the VPSE may assist the Chair of the DAC in scheduling meetings.
3. 8.3 Hearing procedures will follow steps 7.3 - 7.7 above.

8.4. The DAC will draft a recommendation to uphold or overturn the previous decision, in whole or in part. This decision should be made within five (5) University business days. Both parties will be notified in writing regarding the decisions issued through the issuance of a Determination Letter. The letter will include information that either party may Appeal, in writing, within five (5) University business days, to the President. The President will be copied within the letter.

### **SECTION 9 .0 Appeal to the President and Board of Supervisors .**

9.1

The President of the University will review the Disciplinary Appeals Committee report and will concur with the recommendation or will make a decision regarding the status of the Respondent. The president may elect to meet with parties or only review the evidence. The President's Office will issue Determination Letters to both parties, within five (5) University business days, which will include a decision and information about the right to Appeal to the Board of Supervisors as noted in 9.2 below.

9.2

If the Sanction is one of suspension from the University for one academic year or if the Sanction is of greater severity, the Determination Letter will include the fact that the Respondent may Appeal the Sanction to the Board of Supervisors within 30 calendar days of the President's decision. This Appeal consists of an exhaustive examination of the procedures followed by the University in regard to due process and not the specific details of the grievance matter. The student grievance process does not provide the benefit of hearing by the student directly to the Board of Supervisors.

9.3 If the Respondent Appeals to the Board of Regents, the President will notify the Complainant within two (2) University business days of being notified of such Appeal.

### **SECTION 10 .0 Transfer Student**

1. 10.1 If a student accused of sexually-oriented criminal offense seeks to transfer to an- other institution during an investigation, the University shall withhold the student's transcript until a Determination is made.
2. 10.2 If a student is found responsible for a sexually-oriented criminal offense and seeks to transfer to another institution, the University is required to communicate such a violation to the institution(s) to which the student is attempting to transfer.

## **ARTICLE VIII • Sanctions**

An individual or student organization committing an infraction(s) of this Code shall be subject to sanctions outlined in this article. A sanction may be imposed alone or in conjunction with one or more additional sanctions. Sanctions described are categorized as sanctions for disciplinary misconduct, academic misconduct, and organization misconduct. Students are subject to grade changes, dismissal from classes, and referral to student conduct as per the faculty member where academic conduct is alleged. To appeal a grade, students should follow the appeal procedure outlined in the University Catalog.

### **SECTION 1.0 Sanctions for Disciplinary Misconduct**

**1.1 Expulsion:** Permanent, involuntary forced withdrawal from the University. Upon expulsion, the expelled student is banished from the campus.

**1.2 Suspension:** Involuntary forced withdrawal from the University for a specified period of time determined on an individual case basis. During any period of suspension, campus access of the suspended student is limited to written permission in advance from the Dean of Students.

**1.3 Voluntary Withdrawal:** Option offered to a student to voluntarily withdraw from the University upon condition that readmission not be sought for a specified period of time. Upon voluntary withdrawal, campus access of the withdrawn student is limited to written permission of the Dean of Students (banishment).

**1.4 Probation:** Placement of that student in a probationary status for a specified period of time. Restrictions, which accompany probation, shall be determined on a case by case basis. Probation shall also indicate that further infractions of the Code may result in suspension or expulsion from the University.

**1.5 Restriction of Privileges:** Denial withdrawal or limitation of one or more privileges made available for students by the University for a specified period of time.

**1.6 Work Reparation:** An option which can be used in lieu of restitution, probation or fine.

**1.7 Fine:** An order that the student pays the University a designated sum of money in view of the type of offense.

**1.8 Restitution:** An order that the student make a compensatory payment to an appropriate party for damages to property, loss of funds, or medical bills as a result of the act of battery.

9. **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.
10. **1.10 Censure:** An official, written reprimand, which includes a notification that further instances of misconduct within a stated or indefinite period of time may result in more severe disciplinary action.
11. **1.11 Warning:** A written or oral notice to the student that a continuation or repetition of a specific conduct may be cause for further and more severe disciplinary action.
12. **1.12 Bar Against Readmission:** Imposed on a student who has left the University and has action pending on allegations of disciplinary misconduct. Sanction terminates on resolution of the matter of disciplinary misconduct.
13. **1.13 Residence Hall Suspension:** Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
14. **1.14 Residence Hall Expulsion:** Permanent separation of the student from the residence halls.

## **SECTION 2.0 Sanctions for Academic Misconduct**

1. **2.1 Expulsion:** Permanent, involuntary forced withdrawal from the University, which limits the student's access to the campus to written permission from the Dean of Students.
2. **2.2 Suspension:** Involuntary forced withdrawal from the University for a specified period of time determined on an individual case basis, which limits the student's access to the campus to written permission from the Dean of Students. During any period of suspension campus access of the suspended student is limited to written permission in advance from the Dean of Students.

**2.3 Voluntary Withdrawal:** Option offered to a student to voluntarily withdraw from the University, which limits the student's access to the campus to written permission from the Vice President of Student Experience or designated representative, upon condition that readmission not be sought for a specified period of time.

**2.4 Forced Withdrawal from Course:** Involuntary forced withdrawal from the course in which the offense occurred without credit for the course.

**2.5 Voluntary Withdrawal from Course:** Option offered to a student to voluntarily withdraw from the course in which the offense occurred without credit for the course.

**2.6 Probation:** Placement of the student in a probationary status for a period of time. Restrictions which accompany probation shall be determined on a case by case basis. Probation shall also indicate that further infractions of the Code may result in suspension or expulsion from the University.

**2.7 Change in Course Grade:** Change in grade of the course in which the infraction occurred. Required approval of the Dean of the College of the student's major.

**2.8 Change in Assignment Grade:** Change of grade for the theme, report, term paper, essay, either written work, painting, drawing, sculpture, or other art work in which the infraction occurred.

**2.9 Censure:** An official, written reprimand, which includes a notification that further instances of misconduct within a stated or indefinite period of time may result in more severe disciplinary action.

10. **2.10 Warning:** A written or oral notice to the student that a continuation or repetition of a specific conduct may be cause for further and more severe disciplinary action.
11. **2.11 Bar Against Readmission:** Imposed on a student who has left the University and has action pending on allegations of academic misconduct. Sanction terminates on resolution of the matter of academic misconduct.
12. **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.

### **SECTION 3.0 Sanctions for Organizational Misconduct**

1. **3.1 Deactivation:** Termination of University recognition of the organization permanent- ly or for an indefinite period of time. Reap- plication for an organization deactivated for an indefinite period of time shall not be permitted within two calendar years from the date of deactivation.
2. **3.2 Suspension:** Denial to the organization of access to University facilities, services, and any other privileges granted to organizations recognized by the University for a specified period of time not to exceed two years.
3. **3.3 Probation:** Placement of the organization in a probationary status for a designated period of time. Restrictions, which accompany probation, shall be determined on an individual basis. Probation shall also carry with it a warning that further infractions of the Code may result in suspension or expulsion.
4. **3.4 Restriction of Privileges:** Denial, withdraw- al or limitations of one or more privileges made available by the University to organizations for a designated period of time.
5. **3.5 Fine:** An order that the organization pays the University a designated sum of money.
6. **3.6 Work Reparation:** An option offered to the organization, usually in instances in which restitution to the University is an appropriate sanction, and members of the organization perform work for the University without pay.
7. **3.7 Restitution:** An order that the organization makes a compensatory payment to an appropriate party for damage to property or loss of funds. In the case of property dam- age, restitution shall be limited to the actual cost of repairs or replacement.
8. **3.8 Educational Alternative:** An order or option that the organization participate in a workshop or carry out any other reasonable assignment intended to have an education- al effect.
9. **3.9 Censure:** An official, written reprimand, which includes a notification that further instances of misconduct within a stated or indefinite period of time may result in more severe disciplinary action.
10. **3.10 Warning:** A written or oral notice to the organization that a continuation or repetition of a specific conduct may be cause for further and more severe disciplinary action.

### **ARTICLE IX • Interim Suspension**

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

## **SECTION 1.0 Circumstances for Use**

1. **1.1** A student may be suspended on an interim basis without benefit of due process procedures as previously outlined in Article V of this Code where the student's continued presence is a viable threat to the safety of other members of the University community and/or substantially interferes with the University's educational processes.
2. **1.2** A student may be suspended on an interim basis without benefit of due process procedures as previously outlined in Article V of this Code where the student's continued presence poses a viable threat to the student and the university cannot guarantee the student's safety or the student's presence substantially interferes with the University's educational processes.

## **SECTION 2.0 Procedures**

1. **2.1** An interim suspension may be imposed by the Dean of Students or designee.
2. **2.2** The student shall be given written notice of the imminent possibility of suspension and opportunity to appear before the Dean of Students or designee.
3. **2.3** The Dean of Students or designee shall provide the President with a written rationale for the need to suspend a student on an interim basis and provide the student with a copy of such rationale.

## **SECTION 3.0 Length of Interim Suspension**

1. **3.1** An interim suspension shall remain in effect pending completion of the normal disciplinary process.
2. **3.2** The Dean of Students shall have the authority to modify the terms of an interim suspension.

## **SECTION 4.0 Other Interim Sanctions**

**4.1** The Dean of Students shall have the authority to impose any lesser sanction on an interim basis in accordance with these procedures.

**4.2** A student organization shall be subject to interim sanctions under the same circumstances and procedures as an individual student.

## **APPENDIX I • Student Grievance / Complaint Against NSU Employee (Non- Title IX)**

### **Procedure**

Resolution of a student's grievance/complaint or that of members of a student organization, unless otherwise specified, shall begin with the person with whom the student has a complaint. If the problem cannot be resolved at this level, the matter may be pursued through the appropriate administrative chain, the immediate supervisor of the person with whom the student has a complaint.

**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 (see 1 a-e below). The Dean of Students or designated representative may advise the student. An in- formal resolution may result in a written agreement.

**1 . Formal Resolution** - Complaints/Grievances are to be submitted in written form. Students may contact the office of the Dean of Students to assist in the grievance process to act as a representative for the student or designate a representative to assist the student in the process in such ways as requested by the student including attendance at meetings and negotiations.

a. Grievances against a faculty member may be pursued through the Department Head,

**2 .**

Dean of the College, and the Academic Council of Deans

2. Grievances against a staff member may be pursued through the staff member's immediate supervisor and the Vice President who has responsibility for the unit.
3. Grievances against a Vice President may be pursued through the President and the Board of Supervisors
4. Grade appeals should follow the procedures listed in the University Catalog.

**Initial Compliant Hearing** - The student shall provide the appropriate person a written statement of grievance, setting forth the nature of the grievance, the pertinent facts, and the remedial action desired. Any other relevant material shall also be presented. The student shall receive a written response from such person within five (5) class days of the latter's receipt of the grievance statement. The response shall be one of the following:

1. A decision in favor of the student.
2. A decision supporting the previous action.
3. A statement of compromise agreed to in a discussion with the parties involved and signed by them.
4. A recommendation to the person's immediate supervisor, with a copy to the student; or an explanation for delaying the decision for an additional five (5) class days, followed by a response as in

(a)- (d) above by the end of the additional five (5) class days.

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

1. The procedure there will be the same as de- scribed above. The failure of an administrator to respond will therefore not preclude a student addressing the grievance to the next level.
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.
3. If after exhausting the administrative chain, a student still believes that there is just cause for grievance, the student may seek redress from the University President.

4. When the matter is presented in writing to the President, the President shall request the Council of Academic Officers to conduct a hearing on the matter and forward to the President a recommendation as to disposition of the matter.
5. The President shall render a final decision within fifteen class days of receipt of the grievance.
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 if a decision rendered results in suspension from the University or programs for more than one year. The Board's review is limited to determination of compliance with established and appropriate procedures.

## **Appendix II (Title IX) Student Grievance/ Complaint Against NSU Employee Procedure**

*See Faculty/Staff Handbook for a more detailed process (<https://universityplanning.nsula.edu/eo/>)*

Complaint filed against an NSU Employee – The EEO Coordinator receives the complaint form or it may be provided by the Title IX Coordinator for Students.

### **3.**

The employee may be issued a preliminary directive to stay away from the student as an interim measure, although this is not a judicial finding. All efforts to maintain privacy and confidentiality will be made throughout the process. The NSU Sexual Misconduct Policy (see Student Handbook) will be followed at all times.

**Informal Resolution:** If the complaint is an informal complaint/grievance, and both parties understand and acknowledge the substance of the complaint and the requested resolution, the complaint may be resolved informally if appropriate. Physical conduct that may be criminal in nature may be inappropriate for informal resolution. An informal resolution may result in a written agreement depending on the circumstances.

**1 . Formal Resolution** – A Formal Complaint is one where the facts or remedy may be disputed. A formal resolution will result in an investigation. Both parties will have access to the documentation.

### **2 . Preliminary Investigation and Notification**

1. If the EEO Coordinator, or designee, determines the complaint is appropriate to be handled through another complaint mechanism, the complaint will be routed as appropriate.
2. The names of the Title IX Appeals Committee members who have been selected to review an appeal, if any, will be provided to both parties. An opportunity for either party to object to any member will be offered.
3. Both parties instructed not to conduct their own investigation and to provide any relevant information such as a list of potential witnesses to the EEO Coordinator, or designee, will be provided.
4. Instructions regarding privacy of information will be provided.
5. Instructions provided as to how to review the files.

f. The timeline between the formal complaint and the investigation to begin is generally two (2) University business days, excluding campus holidays/breaks (hereafter referred to as University Business Days).

### **3 . Investigation**

1. The EEO Coordinator may conduct the investigation, may designate an alternative investigator, or may ask for the assistance from another trained campus investigator.
2. The investigator(s) will interview all individuals involved in the complaint and compile documentation.
3. Both parties may have advisors to support and assist them during the investigation, determination and appeal stages of the process.
4. The investigator should make all efforts to initiate the investigation within five (5) University business days of the decision to proceed with an investigation.
5. Efforts will be made to complete the investigation within 21 University business days. Reasons for deviations from this timeline, such as difficulty accessing witnesses, should be documented in the report.

### **4 . Complaint Determination**

1. The EEO Coordinator, or designee, will receive the investigation reports and make a determination as to whether specific violations of the Sexual Misconduct Policy were or were not substantiated.
2. The decision will be made using the preponderance of the evidence standard.
3. Both parties will be notified in writing regarding the Complaint Determination through the issuance of a Determination Letter
4. The Determination Letter will include the fact that either party also may appeal the determination, in writing.

e. The Title IX/EEO Coordinator will make arrangements for both parties to review documentation as requested. There is no deadline to request this opportunity.

### **5 . Appeals**

1. Either party may appeal. An appeal should be filed using the Appeal Form provided by the EEO Coordinator.
2. Appeals should be limited to a party's belief that a procedural error occurred, that the sanction was disproportionate to the violation or that new substantial information, sufficient to alter the EEO Coordinator's decision, is now available.
3. The University President's designated Appeals Committee is the Council of Academic Officers. The Chief Academic Officer of the Council of Academic Officers will serve as Chair.
4. A decision to Appeal must be presented by either party in writing within 5 University business days.
5. If neither party appeals the Determination Letter, the University President will receive a report from the EEO Coordinator with the sanctions and recommended sanctions.
6. If either party submits a written appeal of the Determination Letter, the Appeals Committee members will convene a meeting and an Appeal Letter will be sent to both parties.

7. The Appeals Committee will convene within seven (7) University business days, of receiving notification of either party's request to appeal the Determination Letter, or as soon thereafter as possible.
8. The Appeals Committee will offer either or both parties the opportunity to address the Committee separately.
9. An advisor, including legal counsel, may be present on behalf of either party. Such counsel may consult privately with and advise the parties during the proceedings but may not directly participate.
10. Parties may appear before the Committee and provide a verbal statement as to why the decision of the EEO Coordinator should or should not be upheld. Verbal statements by the complainant or the respondent are limited to 15 minutes and no other individuals will be allowed to make statements on their behalf or in their stead. Either party may send a written statement. Neither party is required to speak to the Appeals Committee or even attend and will not be penalized for failing to participate in the Appeals process. If either the complainant or respondent chooses not to submit a statement or appear before the committee, the Appeals Committee will make the recommendation based on the information they have received. Upon timely request by either party, the University may be able to accommodate statements via electronic means in appropriate circumstance.
11. The Appeals Committee will formulate a decision based upon a preponderance of evidence as to whether the EEO Coordinator, or designee's determination was fair and proportionate to any violation. Also, the Committee will consider, as part of its deliberations, whether the determination will result in (a) bringing an end to the violation in question; (b) reasonably prevent a recurrence of a similar violation; and (c) remedy the effects of the violation on the complainant and the University community.
12. The Committee Chair will draft a recommendation to uphold or overturn the decision of the EEO Coordinator, or designee, in whole or in part. The Appeals Committee cannot recommend a greater sanction than the original. This decision should be done in five (5) University business days.
13. The recommendation should be placed into writing and submitted to the University President.
14. The University President will review the Appeal Committee's report and will either agree with the recommendation or will make different decision regarding the status of the employee. The University President can overturn a determination and can also make a decision that greater sanctions are warranted.
15. The time period between the Appeals Committee meeting and the University President's review should typically be approximately one (1) week.
16. Official notification to the parties will follow in a formal letter from the University President with a copy to the Title IX Coordinator, or designated representative.

## **6 . Sanctions**

1. Sanctions will be addressed as appropriate depending on the employee's classification and the particular case.
2. Depending on the circumstance the parties may or may not have the right to appeal to the University of Louisiana System Board of Supervisors (ULS).

## **APPENDIX III • Involuntary Withdrawal Due To Severe Psychological Disturbance**

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

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

Conditions for involuntary withdrawal include:

- Behaviors either voluntary and/or involuntary that violate the Student Code of Conduct.
- Behavior that poses an actual direct threat to the health or safety of other members of the University community.
- When the University is no longer able to guarantee a safe environment for the student after all reasonable interventions and accommodations have been made to provide the student support and protection.
- Behavior that is so disruptive to other members of the University community that it disrupts or derails the educational process interfering with the rights of others to learn and meet their educational goals.

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

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

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

- A written letter of the time and place of the hearing at least three class days prior to the hearing. The letter will also advise the student of the student's right to an attorney as defined in the University Code of Student Conduct and inform the student that if the student chooses to have an attorney present during the hearing, the student is required to notify the Dean of Students at least two days prior to the hearing. Additionally, the letter shall inform the student that the student's representative shall be limited to advising the student during the proceeding.
- The right to present witnesses and evidence on behalf of the student and to question witnesses and challenge evidence presented by the University.
- The right to appeal the decision of the committee to the University President within five class days of receipt of the committee's decision. The appeal is limited to grounds of prejudicial procedural error or actions which are arbitrary and capricious. The decision to appeal will not stay initiation of the withdrawal. The President shall notify the Dean of Students and the student within five days of receipt of the appeal.

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

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

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

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

The Student Handbook is published by The Dean of Students, in conjunction with The Division of Student Experience at Northwestern State University. The information in this handbook was collected and compiled in the summer of 2016. Since the programs and services contained herein are subject to continuous review and evaluation, the University reserves the right to make changes at any time without notice. This publication, therefore, is intended for information only.