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Nicholls State
University

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STUDENT POLICY AND PROCEDURE MANUAL

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SANCTIONABLE MISCONDUCT

The following are examples of misconduct prohibited; they are not intended to define misconduct in exhaustive or exclusive terms and should be construed broadly according to the fair import of their terms. The following actions or any actions that violate the University Standards of Conduct will result in being sanctioned by the University and in appropriate cases, referral to University or other law enforcement personnel, and/or other University officials, for investigation. Violation of any of the Standards of Conduct may, depending on the facts of the case and the student or group's conduct history, result in sanctions including suspension or expulsion.

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TOBACCO FREE CAMPUS

The Conduct Office addresses violations that occur on-campus, off-campus (when the University has an identifiable interest or the violation affect the University process), and online. While the Conduct Office does not regularly monitor social media sites, receipt of a report indicating behavior that is documented or occurring online will be reasonably investigated.

1. **Abusive conduct** – Abusive conduct includes any actions against one’s self or others that causes physical injury, intimidates, harasses, threatens or otherwise unreasonably interferes with another person. Including but not limited to obstructing or restraining the passage of any person at an exit or entrance to the University campus or property, or other property used for University business.
2. **Academic Dishonesty** – any action or effort by a student to use illegal, deceitful, or unacceptable means in any academic work or setting. Examples include but are not limited to falsifying data, information or citations, providing false excuses or information to an instructor concerning an academic exercise, bribery, sabotage, or willfully disrupting or disturbing the academic progress of others, cheating and plagiarism.
3. **Administrative instructions** – Students and/or Registered Organizations of the Nicholls community are expected to comply with the oral and written instructions of University Officials and Emergency Personnel. Compliance would include providing clear and factual information concerning the situation and cooperating in a polite and respectful manner.
4. **Alcohol (unauthorized use and/or abuse)** – Nicholls

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State University is committed to upholding all local, state and federal laws concerning use and abuse of alcohol and other drugs, and will support efforts in the campus community to confront violations of these laws. The University is also committed to maintaining a safe, healthful environment that supports its educational mission. The abuse of alcoholic beverages by its students, faculty, staff and their guests interferes with the accomplishment of this mission.

5. **Arrest, conviction of violation of federal, state, or local laws** – The University expects that a student will comply with all federal, state, local laws, and University Policy.
6. **Behavior on other campuses** – A student is responsible for abiding by the policies set forth by other campuses when visiting as a guest. A student that violates host campus regulations while present as a student visitor or guest may be referred to the Office of Conduct at Nicholls for a hearing on the alleged violations, and/or referred to University Police at the discretion of the responsible parties on the host campus.
7. **Cheating** – the actual or attempted deception or fraud to improve one’s grade or academic standing or to aid another student in doing so. Individual faculty members may restrict, extend, or modify the university’s general definition of cheating to accommodate specific course learning outcomes. All students should carefully review course syllabi and talk with their instructors to ensure their understanding of each instructor’s cheating policy.
8. **Colonel cards (unauthorized use and/or abuse)** – As part of registration, each student is responsible for securing a student identification card, known as the Colonel Card, which shall remain in his or her

possession at all times. A student who withdraws or is withdrawn from the University shall surrender the identification card to the appropriate University official. A student shall, upon demand, surrender their identification card to the appropriate University authority. The individual requesting the surrender of the Colonel Card must properly identify themselves. Refusal to surrender an identification card is cause for disciplinary action.

9. **Computer and internet use** – Students must adhere to Wireless Network Policy, and Responsible Use Policy as published by Information Technology. A student is responsible for his/her actions and behaviors while accessing the Nicholls State University Internet technology network. A student may not have access or use the University's administrative computer system except in the performance of their assigned duties as a student employee. The State of Louisiana has enacted a number of laws construing inappropriate or unauthorized use of computers as criminal behavior. A student may also face University charges that may include suspension. For more information see La. R.S. 14.73.7. Destruction, modification, use, copying, or accessing data or programs stored in or with a computer without authorization may result in up to five years of imprisonment, a \$10,000 fine, or both. For more information see R.S. 14.73.7.
10. **Contract Cheating** –Students are prohibited from engaging a third-party to complete assignments. (Someone other than the student completes an assignment and the student then submits for credit). Including but not limited to:
 1. The student submitted work found online.
 2. The student hires another person to complete work.

3. The student completed work for another student.
11. **Dating Violence:** Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged complainant. The existence of such a relationship will be determined based on a consideration of the length and type of relationship and the frequency of interaction.
12. **Discrimination** – Students and Student Organizations are prohibited from making distinctions between human beings based on the groups, classes, or other categories to which they are perceived to belong.
13. **Dishonesty** – A student is prohibited from being dishonest in such a way that includes but not limited to malfeasance in or misuse of elective or appointive office in a student organization or as a student employee, cheating, plagiarism, knowingly furnishing false information to the University, its officials or duly constituted committees, forgery, and the alteration or use of institutional documents or identification with the intent to defraud. Also Academic Integrity section.
14. **Disorderly Conduct** – Disorderly conduct includes but not limited obstruction or disruption of teaching, research or administrative activities, discipline procedures, any behavior that adversely affects the educational processes of the University or the performance of duties by University personnel and/or any behavior that unreasonably disturbs the peace and/or comfort of a person or persons.
15. **Disruptive Behavior** – Disruptive behavior includes but not limited to any action or effort by a student to disrupt or disturb the academic progress of other individuals within the academic setting or a setting

related to academic activities. See also Academic Integrity.

16. **Domestic abuse:** Includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. La. RS 46:2132(3)
17. **Domestic Violence:** Violence, including but not limited to sexual or physical abuse or the threat of such abuse, committed by a current or former spouse or intimate partner or any other person from whom the Alleged Complainant is protected under federal or Louisiana law.
 1. **Felony or misdemeanor crime of violence committed:**
 1. By a current or former spouse or intimate partner of the complainant;
 2. By a person with whom the complainant shares a child in common;
 3. By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
 4. By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 5. By any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
18. **Drugs and controlled substances** – Nicholls State University drug policy adheres to the federal, state, and

municipal laws regarding the consumption, distribution, possession, sale, or intent to sale of illegal drugs and/or other controlled substances. The use of illegal drugs and controlled substances is a violation of federal, state, and municipal laws and the *Standards of Conduct*. Nicholls cannot and will not protect students from prosecution under federal, state, and municipal laws. The University reserves the right to periodically conduct unannounced canine drug searches in on-campus spaces, including residence hall rooms, to identify the presence of illicit drugs in order to encourage a drug-free living environment.

1. The following rules shall be enforced with respect to student conduct regardless of the status of violation in any courts:

1. Possession of drug paraphernalia as commonly defined (pipes, bongs, etc.) is prohibited. Drug paraphernalia as it applies in this section means any equipment, product, or material of any kind that is used in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.
 2. The distribution or merchandising of illegal drugs and/or controlled substances is prohibited and may result in dismissal and/or arrest.
19. ***Emergency Safety*** – *It is prohibited to tamper with police equipment/property, fire-fighting equipment and fire alarm systems, or in any way cause a fire alarm to activate. A student is expected to report anyone observed in violation of this policy. If found in violation, the responsible*

student(s) may be subject to: University discipline up to and including suspension from the University, criminal and/or civil prosecution. Failure to leave the building promptly or follow instructions during an emergency may result in a disciplinary action up to and including disciplinary probation and/or residence hall dismissal, if applicable.

20. **Falsification of university records** – A student is required and expected to complete accurately and honestly all University records. If a student falsifies a record and it is discovered between the time of his or her application for admission and the beginning of classes, it could be considered cause for cancellation of registration. If such a falsification is discovered after the student has begun classes, it could be considered cause for dismissal. A student is prohibited from knowingly possessing, displaying, or causing or permitting to be displayed any writing, record, document, or identification form used or maintained by Nicholls knowing the same to be fictitious, altered, forged, counterfeit, or made without proper authority. If a student falsifies a record and it is discovered between the time of his or her application for admission and the beginning of classes, it could be considered cause for cancellation of registration. If such a falsification is discovered after the student has begun classes, it could be considered cause for dismissal.
21. **Fireworks & combustibles** – Nicholls State University prohibits the possession of and/or use of fireworks or combustible materials; simulated or otherwise.
1. **Louisiana law and University policy prohibit:**
1. The sale, possession, or use of fireworks; the manufacture, possession, or control of any explosive compound or mixture with a detonator or initiator or both, or any fake explosive.

2. Initiating or causing to be initiated a fire, explosion, or other emergency initiating or causing to be initiated any false report or warning of fire, explosion or other emergency. Improper use of safety, emergency or firefighting equipment or any other violation of Nicholls' fire safety procedures. These prohibitions also apply to possession and storage of these items in a motor vehicle parked on Nicholls' campus. Violation of the above policy and state law will subject the offender to University discipline up to and including dismissal from the University and/or prosecution under the state's criminal statutes depending on the nature and seriousness of the offense.
22. **Fraud** – Students are prohibited from submitting unauthentic paperwork (including but not limited to Doctor's excuse, obituary, tax papers, etc.).
23. **Guests** – It is expected that guests of students of the Nicholls community will at all times conduct themselves in accordance with the policies and standards of the University. A student will be accountable for the conduct of his or her guest(s) and may be subject to disciplinary action as the responsible party for violations of University policy incurred by their guests. Students are responsible for any activity that occurs in their residence hall rooms whether or not they are present at the time. This policy will apply to individual students, student groups, and recognized student organizations.
24. **Hate Act** – Nicholls has an obligation to create and maintain a safe, inclusive learning environment for all members of the university community. As a public institution, we are bound by court rulings that expression, even hateful expression, cannot be

punished based on its content or viewpoint alone. Hateful expression that constitutes a true threat, incitement to imminent lawless action, discriminatory harassment, or defamation is subject to sanction.

25. **Hazing** – Students at Nicholls are expected to be partners in the process of fulfilling the mission of the University by creating and maintaining standards within student groups, team and organizations that are conducive to personal growth and development. If student groups, teams, and organizations are to play an integral part in the University's plan, they must set standards that challenge each individual to achieve his or her greatest potential. Hazing is the antithesis of this goal, in that it attempts to tear down the feelings of individual pride and self-esteem of the individual, supposedly in order to create some esprit de corps in the group. Furthermore, Nicholls State University adheres to the UL System Statement on Hazing- Revised 8.23.18 and upholds all LA statutes related to hazing. Student organizations and/or individual members found to have engaged in hazing shall be in violation of the Standards of Conduct and **Louisiana Revised Statute R.S. 14:40.8.**
26. **Misuse of university records** – A student is prohibited from falsely making, forging, manufacturing, printing, reproducing, tampering with or altering any writing, record, document, or identification form used or maintained by the University. Also, from knowingly possessing, displaying, or causing or permitting to be displayed any writing, record, document, or identification form used or maintained by Nicholls knowing the same to be fictitious, altered, forged, counterfeit, or made without proper authority.
27. **Natural Disaster/Pandemic** – Students and Student

Organizations are expected to follow all posted guidelines throughout an emergency or pandemic (refer to the [main website](#) for specific emergencies and updates).

28. **Obstruction of disciplinary matters** – A student is expected to comply and participate fully in the disciplinary process of the University. Noncompliance will subject a student to further disciplinary action and/or sanctions. Non-compliance factors include, but are not limited to, the following:
 1. Any attempt to intimidate, harass, or abuse any party, witness, any board member or hearing officer, before, during, or after a conduct hearing, is prohibited.
 2. Denial or failure to meet with the Director of Conduct and Accountability or other hearing officers for a conduct administrative meeting.
 3. Failure to attend a conduct hearing with a hearing board or hearing officer(s).
 4. Failure to complete assigned sanctions
29. **Persistent misconduct** – Prior violations and sanctions may be introduced during a proceeding if it is determined that behaviors reflecting consistent disregard for University or residence hall policy, and/or the rights of others, exist.
30. **Plagiarism** is the presentation of the works, words, or ideas of others as one's own, or the use of others' works, words, and ideas without giving proper acknowledgment, or the inappropriate presentation of someone else's work as their own. Individual faculty members may restrict, extend, or modify the university's general definition of plagiarism to accommodate specific course learning outcomes.
31. **Property damage** – A student is prohibited from

removing, destroying, or otherwise damaging the property of others and University property. A student is prohibited from any action that could inflict damage to University property. A student is prohibited from intending to, or accidentally damaging, defacing, or otherwise destroying University facilities.

32. **Retaliation** – The University prohibits retaliation (including retaliatory harassment) against anyone for inquiring about suspected breaches of University policy, registering a complaint pursuant to its policies, assisting another in making a complaint, or participating in an investigation under its policies. Retaliation is a serious violation that can subject the parties to strong responsive action, including sanctions, independent of the merits of the policy violation allegation. Retaliation is prohibited even if the University finds that no violation of the policy occurred. Retaliation is defined as an adverse action or adverse treatment against an individual involved in an investigation by an individual who knew of the individual’s participation in the investigation. Anyone experiencing any conduct that he or she believes to be retaliatory (or retaliatory harassment) should immediately report it.
33. **Sexual Assault:** a) **Non-Consensual Sexual Intercourse:** Having or attempting to have sexual intercourse, cunnilingus, or fellatio without consent. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger, or inanimate object. B) **Non-Consensual Sexual Contact:** Any intentional sexual touching, or attempted sexual touching, without Consent.
34. **Sexual Exploitation:** An act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of

another person's sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio- or videotaping of sexual activity, prostituting another person, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual's knowledge.

35. **Sexual Harassment:** As per the Louisiana Board of Regents, Sexual harassment means unwelcome sexual advances, request for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment or education, unreasonably interferes with an individual's work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment and has no legitimate relationship to the subject matter of a course of academic research.
36. **Sexual Misconduct:** A sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the consent of the other person(s), or that occurs when the person(s) is unable to give consent or whose consent is coerced or obtained in a fraudulent manner. For the purpose of this Policy, sexual misconduct includes, but is not limited to, sexual assault, sexual abuse, violence of a sexual nature, sexual harassment, non-consensual sexual intercourse, sexual exploitation, video voyeurism, contact of a sexual nature with an object, or the obtaining, posting or disclosure of intimate descriptions, photos, or videos without the express consent of the persons depicted

- therein, as well as dating violence, domestic violence, and stalking. See Sexual Assault Policy.
37. **Theft** – A student found to be appropriating University or private property for their own use or sale without the specific consent of the owner, or person legally responsible for it, will be subject to investigation from both University and civil authorities.
 38. **Threats or Physical Aggression:** A student is prohibited from making threats or physical action which could inflict or seriously threaten injury or harm to a person. As defined under power-based violence this can include forms of interpersonal violence intended to control or intimidate another person through the assertion of power over the person.
 39. **Tobacco** – Nicholls State University is a **Tobacco Free Campus**. The use of any tobacco product in any form is prohibited. Restricted tobacco products include cigarettes, cigars, e-cigarettes, pipes, water pipes, all smokeless tobacco (chew, snuff, etc.), and all non FDA approved nicotine products. This policy applies to all University students, faculty, staff, contractors, and visitors (the general public).
 40. **Unauthorized Recording** – Any unauthorized use of electronic or other devices to make an audio or video still frame or photographic record of any person without their prior knowledge or without their effective consent when the person or persons being recorded have a reasonable expectation of privacy and/or such recording is likely to cause injury or distress; this includes but is not limited to surreptitiously taking pictures of another person in a gym, locker room, or restroom. If a recording is made that captures a student conduct violation or the violation of law, the Director of Conduct and Accountability may elect not to

enforce this section of the rules against the student making the recording (Amnesty)..

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

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US**



**906 East
1st Street
Thibodaux,
LA 70301**

QUICK LINKS

- Nicholls Email
- Moodle
- Banner
- Grades First
- Faculty & Staff Directory
- Employment

CAMPUS LINKS

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- Emergency Preparedness
- IT Help Desk
- Nicholls Police
- Book Store
- Athletics
- Rec Center
- Housing

RESOURCES

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- Privacy Notice
- Title IX
- ADA Information
- Diversity & Inclusion
- Calendars

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Inside Nicholls State University is a weekly email newsletter that is distributed to the campus community communicating Nicholls News and Events.

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