



Nicholls State University

OFFICE OF TITLE IX & CIVIL RIGHTS COMPLIANCE

P.O. Box 2105 Thibodaux, LA 70310 • T 985-448-4001 F 985-449-7026 • titleix@nicholls.edu

Explanation of University Resolution Options

The University uses two processes to resolve reports of Prohibited Conduct: **Adaptable Resolution**, which includes informal or restorative options for resolving reports, and **Disciplinary Resolution**, which involves an investigation, adjudication, and, if appropriate, the imposition of sanctions. In cases where neither Adaptable nor Disciplinary Resolution processes are pursued, the report could still be addressed through an Educational Response. The Title IX Coordinator will determine the appropriate resolution process after making an initial assessment of the reported information and after considering the stated interest of the complainant, campus safety, and the University's obligation to maintain an environment free from harassment and discrimination.

As detailed in the Sexual and Interpersonal Misconduct Policy, the language of which controls in specific cases over the language of this summary, Nicholls' procedures for cases that fall within the scope of the Policy:

- provide the complainant and respondent with the same opportunities to be accompanied by an advisor of their choice at any meeting or proceeding related to the investigation or resolution of a report under this policy;
- provide for simultaneous notification, in writing, to both parties: the result of Nicholls' disciplinary proceedings, Nicholls' procedures for the complainant and the respondent to appeal/contest the result of institutional disciplinary procedures (if available), any change to the result before it becomes final, and when the result becomes final;
- are completed within reasonably prompt timeframes designated by Nicholls' policy, including a process that allows for the extension of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay;
- are conducted in a manner that is consistent with Nicholls' policies and transparent to the complainant and respondent;
- include timely notice of meetings that the complainant and/or respondent may be requested or required to attend;
- provide timely and equal access for the complainant, the respondent, and appropriate officials to any information that may be used during the process; and
- are conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent.

The Title IX Coordinator will do an initial assessment (described in more detail in the Policy), and then decide whether to: 1) initiate an investigation; 2) proceed with Adaptable Resolution; 3) if the reported conduct is deemed to be outside the scope of the Policy, refer the matter to another appropriate office or department for resolution under the relevant policy; or 4) close the report with the option to re-open it at another time. The University will not offer or

facilitate an adaptable resolution process to resolve allegations that an employee engaged in Prohibited Conduct against a student.

Adaptable Resolution

This process is a voluntary and remedies-based resolution method designed to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the parties while still maintaining the safety of the campus community. Participation in adaptable resolution is voluntary and either party can request to end adaptable resolution at any time. The University will not compel a party to engage in mediation, or to participate in any particular form of adaptable resolution.

Adaptable resolution does not include an investigation or adjudication by the University under the disciplinary resolution process outlined in this policy, but may involve the respondent's agreement to appropriate remedies or sanctions, including supported direct conversation or interaction with the complainant, education, training, and/or other remedies agreed to by the parties.

Disciplinary Resolution

This process is utilized to determine if Nicholls' policy was violated, and if so, assign sanctions. When an individual (complainant) requests Disciplinary Resolution, they will be given the opportunity to meet with an investigator to share their perspective of what occurred and to provide evidence and/ or witnesses they would like the investigator to speak to. The investigator provides the same opportunity to the individual who has been accused of prohibited conduct (respondent). Each party (complainant and respondent) will have the option to have an advisor present at any meetings related to the investigation. The investigator will interview relevant witnesses and gather documentary evidence. Once the investigator has gathered all available information, he or she will write a report to summarize the information. Both the complainant and respondent are provided the opportunity to review and respond to the report. Then, the case moves forward to a hearing officer hearing where an adjudicator will determine, based on the available evidence and statements, whether it is more likely than not that the University's policy was violated.

At the hearing, parties (through their advisor) will have the right to ask questions of each other and the witnesses. The hearing officer will also ask his or her own questions. If a party or witness does not attend the hearing, any information that they provided to the investigator will not be used by the hearing officer in making his or her decision. If a violation is found, the hearing officer will determine the appropriate sanctions. Each party will have an opportunity to appeal the finding, which will be reviewed by an appellate officer. Throughout this process and even after it has concluded, parties can seek support and resources through the Office of Title IX and Civil Rights Compliance for academic and personal needs.

In cases where the respondent is a staff member or faculty member and an investigation is initiated, the Title IX Coordinator will work with the Provost's Office and/or Human Resources to investigate in a manner consistent with the Sexual and Interpersonal Misconduct Policy, Nicholls personnel policies, and all applicable law. The resolution process will follow

the procedures for student respondent cases outlined above. The Title IX Coordinator will have the authority to exercise oversight of the resolution process.

Educational Response

In cases that do not proceed with Adaptable or Disciplinary Resolution, an educational response could include notifying the respondent of the alleged misconduct. The level of detail shared will be at the discretion of the Title IX Coordinator. In these instances, the respondent will not be required to make a statement or accept/deny responsibility for the alleged conduct.