

SELECTIONS FROM LSU CODE OF STUDENT CONDUCT

5.1 Academic Misconduct

- A. High standards of academic integrity are crucial for the University to fulfill its educational mission. To uphold these standards, procedures have been established to address academic misconduct.
- B. **An instructor may NOT assign a disciplinary grade, such as an "F" or zero on an assignment, test, examination, or course as a sanction for admitted or suspected academic misconduct in lieu of formally charging the student** with academic misconduct under the provisions of this Code.
- C. **“Academic Misconduct” includes, but is not limited to, cheating, plagiarism, collusion, falsifying academic records, and any act designed to give an unfair academic advantage to the student** (such as, but not limited to, submission of essentially the same written assignment for two courses without the prior permission of the instructors, providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment), or the attempt to commit such an act. Other specific examples of academic misconduct include:
 - 1. Copying from another student's test paper or assignment;
 - 2. Allowing another student to copy from a test paper or assignment;
 - 3. Using during a quiz/test the course textbook or other materials such as a notebook normally brought to a class meeting but not authorized for use during a quiz/test by the person giving the quiz/test. Having such forbidden material open and in sight of the student will be considered prima facie evidence of use;
 - 4. Failing to thoroughly follow requirements related to the preparation and presentation of work, including group projects, submitted for credit in a manner that results in submitting as one's own the work of another or misleading an instructor as to the condition under which the work was prepared;
 - 5. Collaborating during a test or any other assignment with any other person by giving, receiving or otherwise sharing information without prior approval of the instructor. Speaking to another person without the consent of the person proctoring the exam may be considered prima facie evidence of collaboration;
 - 6. Using specially prepared materials (e.g., notes, formula lists, notes written on student's clothing or body) during a test. Bringing such forbidden material to a test will be considered prima facie evidence of use or attempted use;
 - 7. Stealing, buying, or otherwise obtaining through unauthorized access, all or part, including answers, of an unadministered test;
 - 8. Seeing or giving away all or part of an unadministered test, including answers to an unadministered test;
 - 9. Bribing any other person to obtain an unadministered test or information about an unadministered test;
 - 10. Substituting for another student, or permitting any other person to substitute for oneself, to take a test;
 - 11. Submitting as one's own, in fulfillment of academic requirements, any work (such as, but not limited to, a theme, report, term paper, essay, computer software, other

- written work, painting, drawing, sculpture, or other scholastic art work) prepared totally or in part by another;
12. Selling, giving, or otherwise supplying to another student for use in fulfilling academic requirements any theme, report, term paper, essay, computer software, other written work, painting, drawing, sculpture, or other scholastic art work;
 13. Entering a building or office for the purpose of changing a grade in a grade book/computer, on a test paper, or on other work for which a grade is given;
 14. Changing, altering, or being an accessory to changing and/or altering a grade in a grade book/computer, on a test paper, on other work for which a grade is given, on a "drop slip," or on any other academic record of the University;
 15. Entering into an arrangement with an instructor to receive a grade of "F" or any other reduced grade in a course, on a test, or any other assigned work in lieu of being charged with academic misconduct under the Code of Student Conduct;
 16. Committing Plagiarism. **“Plagiarism” is defined as the unacknowledged inclusion of someone else's words, structure, ideas, or data. When a student submits work as his/her own that includes the words, structure, ideas, or data of others, the source of this information must be acknowledged through complete, accurate, and specific references, and, if verbatim statements are included, through quotation marks as well.** Failure to identify any source (including interviews, surveys, etc.), published in any medium (including on the internet) or unpublished, from which words, structure, ideas, or data have been taken, constitutes plagiarism;
 17. Violating any applicable professional code of ethics or conduct while enrolled in a course of study designed to qualify the student for certification in a profession or while in the course or scope or any required practicum or clinical experience;
 18. Attempting to commit, or assisting someone in the commission or attempted commission of an offense listed above.

7.4. Due Process Rights of a Student Charged with Misconduct

A student charged with misconduct shall have the following rights:

- A. To be given **notice in writing of the specific charge(s)**.
- B. To be **allowed a reasonable time to prepare a defense to such charge(s)**. A “reasonable time” is normally interpreted to be at least 72 hours from the time of receipt of the written charge. Circumstances may justify a longer or shorter period.
- C. To have the charge(s) against him or her considered by a hearing panel or to waive his or her right to a hearing before a hearing panel by requesting that the charge against him or her be processed administratively.
- D. **To be given information on the nature of evidence on which the charge or charges are based.** If writings or documents are to be introduced as evidence, the student has a right to inspect copies of these writings and documents before the hearing. The student is also entitled to a list of the witnesses who will testify against him or her and a brief statement of the nature of their testimony before the hearing. It is the student's responsibility to request and collect this information from the Dean of Students. Prior to any hearing, the student also must provide the Dean of Students a list of witnesses who will testify on his or her behalf and the nature of their testimony. The student must also provide for inspection by the

Dean any documents he or she intends to introduce at the hearing. The student may request the assistance of the Office of the Dean of Students in obtaining needed information if he or she is unable to obtain it.

- E. **To petition for a separate hearing before a hearing panel.** When two or more students are charged with the same or related violations growing out of the same circumstances, they will normally be heard together. However, one or more of the students may make a written request for a separate hearing. The decision on a separate hearing will be made by the chairperson of the Committee on Student Conduct (the Vice Chancellor for Student Life & Academic Services) based on the merits of each situation. Thus, the written request should show why a separate hearing is necessary to assure the student of his or her due process rights under this Code.
- F. To retain all rights as a University student while the charges are being considered, and, if found culpable, until he or she has exhausted his or her rights of appeal as established in this Code, except as provided by Sections 8.3. and 11.0. of this Code.
- G. **To appeal decisions and recommendations** of hearing panels or the Dean of Students in accordance with Section 10.0. of this code.
- H. **To request assistance from the Dean of Students in bringing students or University employees of his or her choice to the meeting of the hearing panel to serve as witnesses on his or her behalf.** The student will be actively assisted in encouraging witnesses to appear; however, the Dean of Students does not have subpoena power.

7.5. Rights of a Student During a Hearing

Students charged with misconduct who are appearing before a hearing panel shall have the following rights:

- A. **To appear alone or with one other person of his or her choice to advise and assist him or her at the hearing.** The adviser may not address the hearing panel or examine or cross-examine witnesses. The adviser's sole function during a hearing shall be to assist the student in preparing the student's presentation before the hearing panel. The adviser is not to act as an agent/advocate/spokesperson for the student; he or she must limit his or her activities to advising the student. In addition to an adviser, the student may be accompanied by not more than two other persons. These other persons have no official status before the hearing panel and merely may observe the proceedings.
- B. **To request, with just cause, that a member or members of a hearing panel be excluded from the hearing panel.** Such a request must be made immediately after the introduction of the members of the hearing panel and should take the form of a request to the chairperson "for a brief recess to consider a procedural question." During the recess, the student will present reasons to justify the request. Should that hearing panel member not chose to recuse himself or herself, the decision to exclude the panel member shall be at the sole discretion of the chairperson.
- C. To be presumed innocent until proven to be in violation of the Code and to have the hearing panel base its factual findings solely on the basis of clear and convincing evidence presented during the hearing. "Clear and convincing" evidence is a lesser standard of proof than the "beyond a reasonable doubt" standard which applies to criminal trials. To meet the clear and convincing standard of evidence the matter to be proven must be established as highly probable.

- D. **To present evidence in his or her own defense.**
- E. To refuse to testify or answer any questions if such testimony or answers would tend to establish against him or her a violation of local, state, or federal law. This right will not prohibit the University from proceeding with disciplinary charges while actual or potential criminal or civil charges against the person exist.
- F. To have an **opportunity to conduct a reasonable cross-examination** of the witnesses appearing at the hearing and giving testimony. Whenever possible, witnesses will be used to present oral testimony instead of written statements. This does not mean that written depositions, written statements, or previously written memoranda, letters, and/or other written materials may not be introduced as evidence. Whenever practicable, the opportunity of cross-examination will be afforded the student when depositions are being taken or when special written statements are prepared. Depositions, statements, previously written memoranda, letters, and/or other written materials may be introduced at a hearing even though the writer is not present and cross-examination was not possible at the time the deposition or written statement was prepared. The members of the hearing panel may attach whatever weight or significance to these written documents they deem appropriate.
- G. To have evidence of a prior formal finding of violating the Code of Student Conduct excluded as evidence during the hearing panel's deliberation of responsibility for the present charge, unless it is entered to directly rebut false claims by the student that he or she has not previously engaged in similar behavior. If a student is found responsible, such evidence must be admitted when the hearing panel is deliberating on the sanction to be imposed.

7.6. Rights of a Student Who is Found in Violation of the Code

A student who is found responsible for misconduct shall have the right:

- A. To have sanctions imposed that are commensurate with the violation.
- B. To request a **transcript of the proceedings**, excluding those parts of the proceedings consisting of the deliberation of responsibility for the violation and the deliberation on the sanction to be imposed, subject to the limitations imposed by the provisions of the Educational Family Rights and Privacy Act of 1974 (Buckley Amendment). The transcript will be provided at the student's expense.
- C. To have **access to a copy of the tape of the hearing proceedings**, except the deliberations on responsibility for the violation and the sanction to be imposed, for the sole purpose of preparing an appeal. The student must request in writing that a copy of the tape be made and state in the request that the purpose is for filing an appeal, and that the student assumes full responsibility for how the information the tape contains is to be used. The copy of the tape will be prepared at the student's expense.

PENALTIES

8.5. Academic Misconduct by Undergraduate Students

- A. Assigning a grade when there is academic misconduct
 - 1. Absent sufficiently mitigating circumstances, a student found responsible for academic misconduct will, at a minimum, be dropped from the course in which the academic misconduct occurred and a **permanent grade of "F"** must be assigned in

the course. In no instance may the student receive credit for the assignment on which the violation occurred.

2. If a student is charged with academic misconduct and the case cannot be resolved prior to the final date for filing a semester grade, the student should continue to complete all work and the instructor referring the matter shall report an "I" grade in the course in which the alleged academic misconduct occurred. If the student is not found in violation, a permanent grade shall be assigned to remove the "I" grade on the basis of the quality of work done in the course. If the student is found in violation of academic misconduct, the instructor shall assign a grade that incorporates the sanction issued.

B. Non-grade related sanctions for academic misconduct

1. For the first offense, the minimum sanction, **in addition to the grade related sanction, is disciplinary probation for a period of at least one year.** Circumstances may warrant a lengthier period of probation or separation from the University. Particularly egregious violations may warrant expulsion (under certain circumstances, examples may include, but are not limited to, falsifying an academic record relating to grades, entering a building or office for the purpose of changing a grade or accessing an unadministered test, substituting for another person or permitting any other person to substitute for oneself to take a test, or taking or otherwise obtaining a test without authorization.)
2. For the second offense, the minimum sanction is **separation for one full year.** The maximum sanction is expulsion.
3. For the third offense, the sanction is **expulsion.**

8.6. Academic Misconduct by Graduate Students

A. Assigning a grade when there is academic misconduct

1. A student found responsible for academic misconduct will be dropped from the course in which academic misconduct has occurred and **a permanent grade of "F" must be assigned in the course.**
2. If a student is charged with academic misconduct and the case cannot be resolved prior to the final date for filing a semester grade, the student should continue to complete all work and the instructor bringing the charge shall report an "I" grade in the course in which the alleged academic misconduct occurred. If the student is not found in violation, a permanent grade shall be assigned to remove the "I" grade on the basis of the quality of work done in the course. If the student is found in violation of academic misconduct, the instructor shall assign a grade of "F" for the course.

B. Separation from the University

1. For the first offense, the student will be **separated from the University** for an indefinite period of time with a date established for the privilege of applying for readmission to Graduate School. The period of separation shall be not less than one regular semester, but may be more if warranted by the circumstances of the violation. **Readmission to the Graduate School is not guaranteed,** and is subject to the criteria given in the LSU General Catalog in effect for the semester in which the offense occurred.
2. For the second offense, the sanction is **expulsion.**

Mitigating or Aggravating Circumstances

If a sanction imposed or recommended represents a substantial departure from the minimum or maximum sanction outlined in Sections 8.5. or 8.6. below, the record of the proceeding must contain a listing of mitigating or aggravating circumstances or other justifications for the specific sanction recommended.

DUE PROCESS PROCEDURES

9.1. Charging a Student with a Violation of this Code

A. An instructor, staff member, student or any other person who has reason to believe that a student may have committed a violation of this Code shall present this information to the Office of the Dean of Students. This presentation should normally be in writing; however, the initial contact may be in person or by telephone. The Dean of Students will discuss the circumstances and evidence surrounding the alleged violation with the person providing the evidence and will advise that person on actions that may be taken under this Code. Upon receiving information that a student has allegedly violated a University regulation the Dean of Students shall investigate the alleged conduct.

B. Instructing a Student to Meet

1. The Dean may instruct a student to meet in connection with an alleged violation by sending a letter to the student at the address appearing in the registrar's records, having a letter hand delivered, sending an email to the student's listed address, or calling the student.
2. The Dean may bar and/or cancel the enrollment, place a hold on the records or proceed to hearing (in accordance with 9.3.B.) when a student fails without good cause to comply with a letter sent under subsection (1). A letter sent to the address listed in the registrar's records or hand delivered to the student shall constitute full and adequate notice. The failure of a student to provide an address change or forwarding address, or the refusal to accept a letter shall not constitute good cause for failure to comply with the summons. The modification to the student's enrollment status may be lifted when the student responds to the summons as requested.

B. After reviewing the evidence supporting the alleged violation, the Dean of Students will discuss the allegations with the student(s) involved. The Dean may choose to defer the matter for additional investigation. If the evidence is sufficient to justify such action, the student will be informed that the University is bringing formal charges under the Code. The student will be provided with a written notice of the formal charges. The student will also be informed of his or her rights, as outlined in the Code, that he or she may request the charge be referred to a hearing panel, or that he or she may request the Dean of Students to resolve the matter administratively. Students may also make use of an adviser, as provided in Section 7.5.A. of this Code.

9.2. Administrative Disposition of Charges

- A. After being informed of the charges, the student may voluntarily waive his or her right to a hearing before a hearing panel and request an administrative decision by the Dean of Students.
- B. The Dean of Students may decline the student's request for an administrative decision. If the student's request is declined, the student shall be referred to a hearing panel.
- C. For the matter **to be resolved administratively**, the student must do all of the following:
 - 1. Waive his or her right to have the charge considered by a hearing panel;
 - 2. **Accept responsibility for his or her actions by declining to contest the specific charge(s);**
 - 3. Request that the Dean of Students take jurisdiction;
 - 4. Agree to accept the sanction(s) to be imposed.
- C. The Dean of Students may impose any sanction or combination of sanctions consistent with similar cases with similar attendant circumstances.
- D. In cases of alleged academic misconduct, the instructor or staff member referring the matter may make a recommendation regarding the sanction. Referring parties are encouraged to contact the Dean of Students for consultation regarding an appropriate sanction. If the recommended sanction is not consistent with other cases involving similar attendant circumstances, the Dean of Students will make reasonable efforts to confer with the referring party before issuing a sanction. The Dean of Students will send notification of the sanction to the referring party after the case is resolved.
- E. At any time prior to the formal administrative decision, the accused student may request a hearing before a hearing panel. All such requests will be granted.

9.3. Referral to a Hearing Panel

- A. After being informed of the formal charges against him or her, if the student does not request that the charge(s) be handled administratively, the Dean of Students must refer the charge(s) to a hearing panel.
- B. If a student fails to respond to a letter sent in accordance with 9.1.B.2. within 21 days, the Dean may refer the charge to a hearing panel.

9.4. Structure of a Hearing Panel

- A. Hearing panels conduct hearings on cases of alleged student misconduct under this Code referred to it by the Dean of Students.
- B. **Each hearing panel shall be composed of**
 - 1. **Three faculty members;**
 - 2. **Three students;**
 - 3. **One additional faculty member, who shall be a voting member, appointed by the Chancellor to serve as a hearing panel chairperson.**
- C. When, in the judgment of the Dean of Students, the subject matter of a proceeding makes it advisable to have the services of persons with special knowledge or technical expertise (such as cases involving computer systems or the sciences), the Vice Chancellor for Student

Life & Academic Services may appoint such persons to serve as nonvoting members of the panel.

- D. In cases involving academic dishonesty, the Dean (or designee) of the college in which the student is enrolled shall bring to the hearing the student's complete academic record as maintained by the college. This person shall be available to provide relevant information as requested by the panel.
- E. Five members of the hearing panel shall constitute a quorum; however, one of the five members must be a student and one must be the chairperson.

9.5. Hearing Panel Procedures

- A. The chairperson of a hearing panel is delegated the authority and is charged with the responsibility to conduct the hearing in a manner that will protect
 - 1. The due process rights of the charged student(s)
 - 2. The rights of all witnesses.
 - 3. The rights of all hearing panel members.
 - 4. The rights and prerogatives of the University
- B. Prior to considering the charges against the student, the chairperson of the hearing panel shall:
 - 1. Provide a general outline of the procedures that the panel will follow.
 - 2. Announce that the hearing panel will be closed to the public.
 - 3. Stress the importance of the requirements of the confidentiality of the proceedings.
 - 4. Provide a general outline of the rights of the student at the hearing.
- C. The Dean of Students shall read and clarify the charge(s) in cases brought before hearing panels. The Dean of Students is responsible for coordinating the presentation of evidence that supports the charge(s).
- D. A decision by the hearing panel to find the student in violation of this Code shall be based solely on the evidence presented at the hearing.
- E. Evidence of any past violation(s) may not be introduced as evidence (except as allowed for in Section 7.5.G.) nor considered in the deliberation of responsibility for the violation. If the student is found responsible for the violation, records of past violations will be introduced by the Dean of Students or hearing panel chairperson and will be considered by the hearing panel in determining a sanction.
- F. A simple majority vote of the hearing panel members is required to find a student in violation of this Code.
- G. All hearings will be tape recorded except any deliberations or consultation with University legal counsel. The University retains the sole right to record hearings. No other recordings may be made of hearings.

9.6. Imposing Disciplinary Sanctions

When disciplinary sanctions are to be imposed, the student shall be sent written notice from the Office of the Dean of Students of the sanction imposed and the specific conditions of the sanction.

9.7. Maintaining Disciplinary Records

- A. Disciplinary cases and records are confidential records of the University and are maintained by the Office of the Dean of Students. Consistent with the Educational Family Rights and Privacy Act of 1974, a student may examine his or her disciplinary records. However, these records are generally not available to persons outside the University except in accordance with state and federal law. University personnel or University legal counsel may have access to the disciplinary records of individual students only if such information is needed in the performance of duties assigned to that person.
- B. **Disciplinary probation or any disciplinary action that separates the student from the University is recorded on the student's official academic transcript** maintained in the Office the University Registrar. At the end of the period of suspension or probation, the student may petition the Dean of Students in writing to have this notation removed from his or her academic transcript. At the discretion of the Dean of Students, this notation will be removed from the academic transcript; however, the disciplinary record maintained in the Office of the Dean of Students will remain. A notation of permanent expulsion from the University is never removed from a student's official academic transcript.
- C. Warning probation is not recorded on the academic transcript.

10.0. APPEAL PROCEDURES

10.1. Grounds for Appeal

- A. Students availing themselves of the right of appeal are reminded of the nature and purpose of an appeal. The purpose of the appeal procedure is to provide the opportunity for questioning the appropriateness of actions or recommendations growing out of a Code of Student Conduct hearing. It is not the nature or purpose of the appeal procedure to provide for a new hearing at a higher administrative level.
- B. The following guidelines for making an appeal are established:
 - 1. The appeal must be in the form of a written memorandum addressed to the Vice Chancellor for Student Life & Academic Services;
 - 2. This memorandum should clearly state the specific actions or recommendations that are being appealed, e.g., the findings of a hearing panel, the sanctions imposed or recommended by a hearing panel, both the findings and the sanctions of a hearing panel, and actions by the Dean of Students;
 - 3. This memorandum should clearly present specific reasons, grounds, or justifications to support the appeal;
 - 4. The memorandum must be signed by the person making the appeal.

10.2. Appellate Process

- A. The student who plans to make an appeal must notify the Office of the Vice Chancellor for Student Life & Academic Services within 48 hours of the findings and/or sanctions being rendered.

- B. The actual written appeal must be received in the Office of the Vice Chancellor for Student Life & Academic Services within 7 calendar days after the student is notified of the final action on his or her case, unless an extension of time is requested in writing and approved by the Office of the Vice Chancellor for Student Life & Academic Services.
- C. Appeals of the actions by a hearing panel may be made on any reasonable basis.
- D. Appeals of actions by the Dean of Students shall be limited to those based on an assertion of failure to follow the provisions established in Section 9.2. or other significant procedural errors.

10.3. Guidelines for Ruling on Appeals

- A. **Normally, an appeal relating to a decision regarding a finding of violation by a hearing panel will be successful only if clear and convincing new evidence is presented in the appeal.** A successful appeal based on new evidence will result in the case being referred to the hearing panel for reconsideration or, if the situation merits it, in the establishment of a new hearing panel to consider the charge, based on the facts of the case, including the new evidence.
- B. **An appeal seeking to modify a sanction imposed or recommended by a hearing panel will be successful only if clear and convincing reasons are advanced to show that the sanction does not meet the test of reasonableness and fairness.** A successful appeal will normally result in the case being referred to the hearing panel for reconsideration of the sanction; however, the Vice Chancellor for Student Life & Academic Services may make reasonable modifications in a sanction. Any modifications of sanctions must be consistent with similar cases with similar attendant circumstances.
- C. A successful appeal of a case that was handled administratively by the Dean of Students will always result in the case being referred to a hearing panel to be considered on its merits.
- D. The decision of the Vice Chancellor for Student Life & Academic Services concludes the appellate process.