



CODE OF STUDENT CONDUCT

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1.0 COMMITMENT TO COMMUNITY

The LSU Eunice Commitment to Community provides a guiding ethos to the University community. Students are encouraged to exemplify the Commitment to Community in their daily lives. LSU Eunice is an interactive community in which students, faculty, and staff together strive to pursue truth, advance learning, and uphold the highest standards of performance in academic, social, and social media environments. It is a community that fosters individual development and the creation of bonds that transcend the time spent on the physical campus.

To demonstrate my pride in LSU Eunice, as a member of its community, I will:

- accept responsibility for my actions;
- hold myself and others to the highest standards of academic, personal, and social integrity;
- practice justice, equality, and compassion in human relations;
- respect the dignity of all persons and accept individual differences;
- respect the environment and the rights and property of others and the University;
- contribute positively to the life of the campus and the surrounding community; and
- use my LSU Eunice experience to be an active citizen in an international and interdependent world.

The continued success of LSU Eunice depends on the faithful commitment by each community member to these, our basic principles.

1.1 Non-Discriminatory Application of Accountability Procedures

Application of this Code shall be based on the principle of equitable treatment, including but not limited to race, creed, color, marital status, sexual orientation, gender identity, gender expression, religion, sex, national origin, age, disability, genetic information, or veteran status.

2.0 GOVERNANCE OF THE UNIVERSITY

The University has the legal right to establish standards for academic and personal conduct for continued membership in the University community, to deny membership to those who do not meet these standards, and to impose outcomes and discipline on any Student or registered Student Organization (RSO) who is found in violation of these standards.

The University has charged the Office of Student Affairs (OSA) with the responsibility for administering this Code of Student Conduct (the “Code”). OSA generally cannot make

public comment on any individual's case, as per the Family Educational Rights and Privacy Act (FERPA). However, in limited circumstances, as required or allowed by law, information and case statistics may be disclosed.

Changes to the Code of Student Conduct may be presented by any member of the Chancellor's Executive Cabinet, and changes require a majority vote of the present and voting Executive Cabinet membership to be approved. OSA is charged with making these changes and publishing an updated copy to the web.

3.0 STATEMENT OF POLICY

3.1 General Rights and Responsibilities

All Students and RSOs are bound by this Code, the Bylaws and Regulations of the Board of Supervisors, University Policy Statements, and Permanent Memoranda. Any Student or RSO found in violation of the aforementioned policies may be held accountable and subject to the Accountability process outlined in this Code. The Code can be found online at <http://www.lsu.edu/studentaffairs/>.

Additionally, faculty and staff are required to follow the procedures outlined in this Code when they become aware of behavior that may violate the standards of this Code.

3.2 Purpose of the Code of Student Conduct

The purpose of the Code is to engage Students on issues of community membership, encourage responsible decision making, safeguard the health and welfare of all members of the University community, protect University property, and promote academic integrity, including class attendance.

3.3 Implementation of Rights

The Code is the University's document governing Student and RSO conduct and the Accountability process. All discipline imposed upon a Student or RSO must be in accordance with the provisions of this Code, PM-73, or professional and/or ethical requirements of a particular program.

The procedures for addressing and resolving allegations of sex and gender-based harassment and discrimination, including sexual misconduct (e.g. sexual assault, stalking, dating violence, domestic violence, sexual exploitation, retaliation, etc.) are addressed by the Title IX Coordinator through PM-73. You can visit the LSU Eunice Title IX website for additional information at www.lsu.edu/titleix/.

A Student's failure to adhere to any professional and/or ethical requirements of a particular program may be considered and addressed pursuant to written program

guidelines or requirements. To the extent the conduct at issue may also constitute a violation of this Code, faculty and staff must refer the matter to OSA.

OSA may delegate its authority over potential Behavioral Misconduct violations by residents of University housing to the Office of University Housing for resolution using standards set forth in this Code.

4.0 DEFINITIONS

The listed terms and phrases are defined as follows:

4.1 Academic Misconduct

Those violations detailed in the Code that are specific to Academic Student behavior. Certain conduct may constitute both Academic and Behavioral Misconduct.

4.2 Accountability Outcome

The Accountability Outcome, or Outcome, identifies an Accountability resolution and any requirements, restrictions, or change in Student status that have been assigned by the Hearing Officer or a University Hearing Panel (UHP).

4.3 Administrative Hearing

An opportunity for a Respondent to address the allegations and charges with a Hearing Officer.

4.4 Administrative Outreach

A letter sent to a Student outlining a possible infraction(s) and steps on how to remedy the situation.

4.5 Advisor

An individual that provides support, guidance, and advice to the Student or RSO during any OSA meeting or procedure. An Advisor may not have personal involvement regarding any facts or circumstances of the allegation(s).

4.6 Behavioral Misconduct

Those violations detailed in the Code that are specific to non-Academic Student behavior. Certain conduct may constitute both Academic and Behavioral Misconduct.

4.7 Campus

Campus includes all land, buildings, property, and facilities in the possession of, owned by, used by, or controlled by the University, regardless of contiguity or proximity. This includes land leased to others, property owned, managed or maintained by the University, and all streets, alleys, sidewalks, and public ways adjacent to any land of the University.

4.8 Complainant

A person who believes they have been subjected to Endangerment, Harassment, Hazing, Offensive Behavior, Retaliation, or Unauthorized Surveillance.

4.9 Dean of Students

The person holding this position within the University. The Dean may delegate the authority to perform any of the duties assigned to the Dean of Students in this Code. To the extent necessary, the Dean may decide any question related to interpretation or application of this Code.

4.10 Educational Conference

An educational conversation between a Student and Hearing Officer regarding potential violations of the Code.

4.11 Hearing Officer

An individual who adjudicates a case resolved through an Administrative Hearing.

4.12 Impact Statement

An impact statement is an oral or written statement provided by a Complainant detailing the impact of a violation towards them.

4.13 Instructor

Any Professor, Associate Professor, Assistant Professor, Instructor, Adjunct Faculty, Graduate Teaching Assistant, Teaching Assistant, or other professional charged with oversight of a lab, class, section, or course for academic credit at the University.

4.14 Material Observer

A person who has knowledge of facts or circumstances pertaining to an alleged violation.

4.15 Not Responsible

The finding that indicates a Student or RSO is not in violation of the Code.

4.16 Notice of Charges

The written notice sent to a Student or RSO of the allegations and corresponding Code sections to be addressed.

4.17 Office of Student Affairs (OSA)

OSA is the office and staff responsible for the implementation and administration of the Code. OSA also provides procedural information and support to Respondents and/or Complainants before and/or after a University Hearing Panel.

4.18 Referral

A written complaint against a Student or RSO forwarded to OSA. A referral may be submitted by any individual(s). Anonymous referrals may be considered at the discretion of OSA.

4.19 Registered Student Organization (RSO)

An organization that has fulfilled all the requirements established by the University for official recognition.

4.20 Reporting Party

An individual who submits a Referral against a Student or RSO alleging misconduct under the Code.

4.21 Responsible

The finding or acknowledgement that indicates a Student or RSO is in violation of the Code.

4.22 Respondent

A Student or RSO who has received notice of allegations detailing a potential violation of the Code, contract, Bylaws and Regulations of the Board of Supervisors, Policy Statement, or Permanent Memoranda of the University.

4.23 RSO Action

Any action by one (1) or more that tends to indicate or which may lead others to reasonably believe that the action was an official act of a specific RSO. A finding of an RSO Action is determined on a case by case basis but may be based on the use of signs, symbols or phrases; the use of specific practices or rituals; the posting on affiliated social media; or membership-related discussions.

4.24 Social Media

For the purposes of this Code, understood to include blogs, wikis, microblogs, message boards, chat room, electronic newsletters, online forums, social networking sites, and other sites and services that permit user to share information with others on the internet. Examples of social media include but are not limited to Facebook, Instagram, SnapChat, TikTok, Twitter, YikYak and GroupMe.

4.25 Student

For the purpose of this Code, any person admitted to LSU Eunice or enrolled or scheduled to be enrolled in a course for academic credit through LSU Eunice. This includes any person attempting to fulfill requirements for academic credit through LSU Eunice or auditing a course, even if not currently enrolled. This definition includes high school students engaged in post-secondary coursework with LSU Eunice.

4.26 University or LSU Eunice

University or LSU Eunice refers to Louisiana State University at Eunice.

4.27 University Hearing Panel

A group of individuals with responsibility under this Code to adjudicate a case referred by a Hearing Officer or Hearing Officer.

4.28 Written Communication

Written correspondence generated by OSA, including but not limited to email. Any correspondence sent to a Student's University-issued email address shall constitute actual notice under this Code.

5.0 JURISDICTION OF THE CODE

5.1 Jurisdiction of the Code

The Code applies to conduct that occurs on the Campus, at University-sponsored activities, and/or when the Student or RSO is representing LSU Eunice. OSA shall have discretion to extend jurisdiction over conduct that occurs off campus when the conduct adversely and significantly affects the learning environment or University community and would be in violation of the Code if the conduct had occurred on campus. In determining whether or not to extend jurisdiction, OSA may consider its ability to gather information. OSA may extend jurisdiction if the alleged conduct:

- A. Involves violence or produced a reasonable fear of physical harm; and/or
- B. Involves any members of the University community or any academic work, records, documents, or property of the University.

Each Student is responsible for conduct from the time of application for admission through the actual awarding of a degree, though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment and even if the conduct is not discovered until after a degree is awarded.

5.2 Violation of Law and LSU Eunice Policy

Proceedings may be instituted against a Student or RSO charged with conduct that potentially violates both the law and the Code without regard to the status of any civil, criminal or other proceedings.

Proceedings under this Code may be carried out prior to, simultaneously with, or following any civil or criminal proceedings.

6.0 RIGHTS AND RESPONSIBILITIES OF A CHARGED STUDENT OR RSO

6.1 Rights of a Charged Student or RSO

A Charged Student or RSO shall have the following rights:

- A. The presumption of innocence. A Charged Student or RSO may not be deemed guilty of a violation until the Charged Student or RSO formally acknowledges responsibility or at the conclusion of the Accountability Process.
- B. To receive a Notification Letter through Written Communication of any specific allegation and Charge(s).
- C. To be provided a reasonable amount of time to respond to the Notification Letter.
- D. To refuse to comment or answer questions.
- E. To present information and/or any Material Observer.

- F. To have an Accountability Outcome imposed that is commensurate with the violation.
- G. Right to be assisted by an Advisor in accordance with section 6.6
- H. To have any Charge considered by a UHP.
- I. To schedule a time prior to the UHP hearing to inspect and review the information on which a Charge is based.
- J. To receive a list of all Material Observers to be called by the University at least one (1) business day prior to a UHP. However, a UHP may continue the proceedings to allow the University to identify any Material Observer to rebut any information presented by the Charged Student.
- K. To retain rights as a Student or RSO until a final decision is issued by the hearing officer or by the UHP if requested. However, a Student or RSO may be subject to an Interim Suspension, limitations or conditions as set forth in this Code.

6.2 Responsibilities of a Charged Student or RSO

A Charged Student or RSO shall have the following responsibilities:

- A. To be honest.
- B. To attend an appointment with the Hearing Officer on a specified date, time, and location.
- C. To attend an Accountability Meeting scheduled by the Hearing Officer if included in the Notification Letter.

6.3 Rights and Responsibilities of a Charged Student or RSO Before and During a UHP

A Charged Student or RSO shall have the following rights and responsibilities before and during a UHP hearing:

- A. To have personal information kept private to the extent allowed by law. The UHP is private.
- B. To appeal any UHP Outcome as detailed in this Code.
- C. To request that any member of a UHP be excluded for good cause clearly established by the Charged Student or RSO.

- D. To present information or any Material Observer in defense of a Charge per the procedures outlined in this Code.
- E. To conduct reasonable questioning of any Material Observer appearing at the hearing or providing statements.
- F. The Charged Student or RSO may request that OSA assist in obtaining information from the University that is pertinent to the charge.
- G. To have prior violations/resolutions of the Code excluded from review or consideration during the UHP's determination of Responsibility for the present charge, unless it is presented to directly rebut claims of no prior misconduct or was discussed in relation to the outcome assigned by a hearing officer. If a Charged Student or RSO is found Responsible, prior violations/resolutions of the Code may be considered when the Hearing Officer or UHP is determining the Accountability Outcome.
- H. To schedule a time to listen to the recording of the UHP proceedings. Only the University may record the UHP proceedings. No other forms of recording or transmission of the UHP proceeding is allowed unless given permission by the Chairperson.

6.4 Proceeding in Absentia

- A. In the event a Charged Student or RSO fails to attend an Accountability Meeting, a Hearing Officer may proceed through the Accountability Process without the Charged Student or RSO in attendance.
- B. The UHP may proceed without the Charged Student or RSO in attendance. If the Director of OSA or designee determines that the failure to appear is due to compelling circumstances, OSA may reschedule the UHP.

6.5 Rights of a Complainant

- A. Any and all rights extended to a Charged Student or RSO under Section 6.1 are extended to a Complainant in cases of Endangerment, Harassment, Hazing, Offensive Behavior, Retaliation, or Unauthorized Surveillance.
- B. To the extent allowed by law, the Complainant may be notified of the Outcome of the hearing.
- C. When participating in an Accountability Meeting or UHP, the Complainant may use conference call, written statement, video, closed-circuit television, privacy screen or other measure for the Complainant's safety or

wellness. The Hearing Officer may require that the Complainant respond to reasonable questions requested by the Charged Student or RSO in a format determined by the Hearing Officer.

- D. The Complainant is entitled to submit an Impact Statement for consideration by the Hearing Officer and UHP during the Accountability Outcome phase of the UHP.

6.6 Role of an Advisor

The Advisor's function shall be to provide support, guidance, and advice to the Student or RSO during any OSA meeting or procedure.

If a Student is charged with a violation of behavioral misconduct that carries a potential penalty of suspension or expulsion, the Charged Student has the right to be represented, at the student's expense, by an advocate who may fully participate during any disciplinary proceeding.

An RSO accused of a violation of behavioral misconduct has the right to be represented, at the RSO's expense, by an advocate who may fully participate during any disciplinary proceeding.

An Advisor may "fully participate" in the Accountability Process by making opening and closing statements and examining and cross-examining the Hearing Officer and Material Observers.

OSA can assist in partnering a Student or RSO with an Advisor that has been trained to provide support, guidance, and advice to students through the Accountability Process.

7.0 ACCOUNTABILITY PROCEDURES

7.1 Initial Review

OSA may initiate these procedures on the basis of written allegations received from any source, including, without limitation, a student, faculty member, University employee, or law enforcement agency. OSA may also initiate these procedures in the absence of written allegations if OSA becomes aware, through other means, of potential misconduct committed by a Student or RSO. Upon receipt of allegations of misconduct, OSA will review the information and determine whether or not there is sufficient basis to initiate the Accountability Process.

7.2 Interim Measures

The Dean of Students and/or designee(s) may impose Interim Measures prior to the conclusion of the Accountability Process related to an alleged violation upon reasonable belief that a Respondent's continued presence on University-controlled property or at University-affiliated activities constitutes an immediate threat of harm to students, other individuals, or University premises. Interim Measures may vary depending on the nature of the allegation of misconduct, status of Respondent, or other criteria and may include, without limitation, issuing a timely warning to the campus community, separating the parties, placing limitations on contact between the parties, interim suspension from Campus, or making alternative workplace, classroom, course scheduling, dining, or student housing arrangements. Interim Measures will be subject to the following procedures:.

- A. Written notice of the alleged violation and reasons for enacting the Interim Measure must be provided to the Respondent within seventy-two (72) hours of determination of an immediate threat of harm to students, other individuals, or University premises.
- B. Within seven (7) business days of the written notice of Interim Measures, unless waived by the Respondent, an Interim Measures Hearing will be conducted to determine whether there is substantial evidence that the Respondent poses an immediate threat of harm to students, other individuals, or University premises and that the Interim Measures are appropriate to mitigate that risk. During such hearing, the Respondent and alleged victim (if applicable), may be represented by an Advisor. Such hearing will be conducted by the Dean of Students and at least one (1) other designee. The Interim Measures Hearing may result in a continuance of, revocation of, and/or modification of the Interim Measures.
 1. Respondents reinstated to the University following an interim suspension under this Section will be afforded the opportunity to make up academic work missed during the period the suspension was imposed. It is the responsibility of the Respondent to make arrangements with instructors for completing missed work.
 2. In cases where interim suspension is upheld as a result of the Interim Measures Hearing, the suspension will remain in effect until a final outcome is reached through the Accountability Process.
 3. If Respondent is unable to attend the Interim Measures Hearing, the Hearing shall move forward in absentia.

7.3 Coursework

Coursework performed during the Accountability Process shall be considered conditional. Credit for such coursework may be affected, delayed, denied, and/or revoked based on a final finding of misconduct and/or a sanction imposed under this

Code. In addition, subject to the other provisions of the Code, a delay in the granting of a degree or diploma may be imposed and/or a degree that was awarded prior to a final decision under the Code may be revoked.

7.4 Educational Conference

The Educational Conference is an informational meeting between a Hearing Officer and Respondent in which the following generally occurs:

- A. Hearing Officer informs the Respondent about the allegations made against the Respondent and, if requested by the Respondent, provides the Respondent with a reasonable opportunity to review the complaint.
- B. Hearing Officer provides the Respondent with an opportunity to respond to the allegations, including without limitation, an opportunity to present information concerning the allegations and identify witnesses whom the Respondent believes should be interviewed by the Hearing Officer to obtain additional information.
- C. Both the Hearing Officer and Respondent may ask questions to each other and seek clarifying information about the allegations, the possible outcome(s), and the Accountability Process.
- D. Based on the information provided by the Respondent during the Educational Conference, the Hearing Officer may issue a no-action determination or continue gathering information in order to determine if there is sufficient information to move forward with formal charges of Section 10 of this Code.
- E. If a Respondent fails to attend an Educational Conference, the Hearing Officer may email the Respondent a recommendation for an Informal Resolution as outlined in Section 8.1.

8.0 RESOLUTION METHODS

8.1 Informal Resolution

An Informal Resolution is an agreement to resolve allegations against the Respondent through an alternative resolution. To be valid, an informal Resolution Agreement must be signed by a Hearing Officer and the Respondent and includes a waiver of the Respondent's right, if any, to have a formal hearing on the allegations. At any time during the Accountability Process, a student may resolve non-academic allegations via Informal Resolution.

- A. The Hearing Officer will email the Respondent a written offer for an Informal Resolution. The Respondent will have five (5) business days to accept the recommendation in writing.
- B. If accepted, the Informal Resolution will be implemented. As part of accepting an Informal Resolution, the student will waive all rights to a formal process. The Respondent may not revoke or appeal an Informal Resolution.
- C. If the Respondent declines the offer for an Informal Resolution, or does not respond to the offer, the case will be forwarded to an Administrative Hearing or University Hearing Panel.
- D. An Informal Resolution will not be considered part of a Student's permanent record and therefore will not be shared with any external requesting agency, unless required to do so by federal and/or state law, or in the case of suspension, expulsion, or degree revocation. A record of an Informal Resolution will be shared within OSA and any future UHP in order to determine appropriate future Informal Resolution or UHP Outcome. An Informal Resolution may be shared with a University department to determine eligibility for certain University programs, scholarships, student organization officer requirements, or activities.

8.2 Administrative Hearing

An Administrative Hearing is a formal hearing in which a Hearing Officer determines academic and/or non-academic violations of this Code using the Preponderance of the Information Standard (more likely than not) and assigns appropriate outcomes (Section 11). The procedures for an Administrative Hearing are as follows:

- A. A Hearing Officer conducts an investigation, which may include gathering relevant information and interviewing Material Observers. The Hearing Officer will make an initial determination whether the Respondent violated the Code, and if so, what outcome(s) to impose.
- B. The Hearing Officer will send a Notice of Administrative Hearing to the Respondent. This notice will include the following (at minimum):
 - 1) The Section 10 policies which are alleged to have been violated;
 - 2) any documentation that was reviewed in determining the alleged policy violations;
 - 3) the date, time, and location where the Administrative Hearing will be held; and

4) the rights & responsibilities of the Respondent as defined in this Code.

- C. During the Administrative Hearing, the Respondent may be represented by their choice of advisor as outlined in Section 6.6 of this Code.
- D. The Respondent will be provided an opportunity to give a presentation of information as well as present witnesses with relevant information pertaining to the alleged policy violations. The Hearing Officer will be permitted to ask questions of the Respondent.
- E. At the conclusion of the Administrative Hearing, the Hearing Officer will issue a verbal determination of any policy violation(s) as well as appropriate outcomes.
- F. A formal Notice of Outcome will be emailed to the Respondent within one (1) business day. This notice will include the determination as given verbally by the Hearing Officer, the Hearing Officer's explanation of how preponderance was met for any responsible policy violation(s), and what factors were considered in issuing appropriate outcomes.
- G. The Administrative Hearing determination may be appealed within ten (10) business days of the Notice of Outcome as outlined in Section 11.
- H. An Administrative Hearing may not be used in cases where suspension, expulsion, or degree revocation is a possible outcome. This will be evaluated by the Hearing Officer.

8.3 University Hearing Panel (UHP)

A University Hearing Panel will be convened in cases where suspension or expulsion are possible outcomes or when a student declines to accept the outcome of the Administrative Hearing. A University Hearing Panel may also be used for other cases at the discretion of OSA.

- A. A minimum of three (3) voting members of the UHP shall constitute a quorum, including at least one (1) student and one (1) faculty member. The panel may have a maximum of five (5) voting members. One (1) panelist will be designated to serve as the UHP Chairperson. Each UHP panel will be convened on an as-needed basis, and panelists will be selected based on availability. OSA will appoint a substitute member of the UHP when a member is unable to serve or when it is determined that a conflict exists.
- B. In cases involving more than one (1) Respondent, a separate UHP concerning each Respondent's conduct may be conducted upon written

request of a Respondent submitted at least five (5) days prior to the scheduled UHP. OSA has the discretion to make the final determination of whether to grant such a request and will notify the Respondents of the decision.

9.0 UHP PROCEDURES

9.1 Pre-Hearing

Prior to the UHP, the following steps will be taken:

- A. The Dean of Students will send a Notice of University Hearing Panel to the Respondent's University email address. This notice will include:
 - 1. The specific University policy or provision of Section 10 which the Respondent is alleged to have violated;
 - 2. Any documentation which was reviewed in determining the alleged policy violation;
 - 3. The date, time, and location where the University Hearing Panel will be held, which shall be no less than seven (7) business days from the date of the notice;
 - 4. An electronic copy of the University's administrative file ("Hearing Packet");
 - 5. The names of all Material Observers likely to present information during the hearing;
 - 6. The names of panelists serving as voting members for the hearing; and
 - 7. A notice of Respondent's rights as outlined in this Code, including the right to be represented by an Advisor.
- B. At least five (5) business days prior to the UHP, the Respondent must provide, in writing to the Dean of Students, the following:
 - 1. The name of their Advisor, if any, who will attend the UHP;
 - 2. The names of all Material Observers and a brief summary of the information that they reasonably anticipate the Material Observer will provide to the UHP; and

3. A copy of all tangible or electronic information that they plan to present to the UHP (including without limitation, witness statements, video or audio recordings, photographs, text messages, phone records, medical bills, diagrams).
- C. The Respondent may request recusal of a UHP panel member on good cause shown. Any request for recusal of a panel member must be made in writing at least five (5) days prior to the scheduled UHP and must include an explanation of why the member of the UHP should be precluded from participating. The decision to exclude any UHP member shall be at the sole discretion of the Dean of Students (or designee).
- D. The Respondent is responsible for contacting Material Observers who were not identified in the Notice of University Hearing Panel, informing them about the date, time, and place of the UHP, and securing their attendance at the UHP.
- E. The Respondent is responsible for contacting the Dean of Students to arrange a time to review the hearing documents prior to the hearing if such a review is desired. A physical copy of all hearing documents will be made available to the Respondent upon request.

9.2 Hearing Procedures

The following procedures will apply to the UHP:

- A. The UHP Chair is responsible for maintaining order of the UHP. The UHP Chair is authorized to remove any individual from a hearing, including an Advisor, who is disruptive, unruly or who fails to comply with the procedures in this Code or the directions of the UHP Chair.
- B. Attendance during the UHP is limited to members of the UHP, the Dean of Students, Respondent and the Respondent's advisor, Material Observers, and a representative from the Office of Legal Affairs and General Counsel. The Material Observers may only attend the UHP while presenting information to the UHP. Participation in the UHP by relevant parties is encouraged, but not mandatory. The Dean of Students is present to guide procedure and may only participate to provide procedural guidance.
- C. OSA reserves the right to conduct a UHP, or have individuals participate in a UHP, via electronic means (i.e. Zoom or Microsoft Teams). The use of electronic means for a UHP is solely within the discretion of OSA.
- D. Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in UHP

hearings. The Dean of Students shall decide all procedural questions that arise during a UHP and may consult with a representative from the LSU Office of Legal Affairs and General Counsel for assistance in resolving procedural questions fairly and in accordance with the Code.

- E. Whenever possible, a Material Observer will present oral instead of written statements. Oral statements, written statements, previously written memoranda, letters, or other written materials may be presented at a hearing even if the Material Observer is not present and the ability to question the Material Observer was not possible at the time the written materials were prepared. The UHP may require that the Charged Student or RSO present questions in writing.
- F. At the hearing, the UHP shall make a good faith effort to include relevant evidence and exclude evidence which is neither relevant nor probative. Information which may be excluded at the UHP may include irrelevant information; cumulative information, or information that unreasonably repeats information already provided to the UHP; information and/or Material Observers that were not disclosed in advance of the UHP; or information that is protected from disclosure (e.g. privileged documents or internal memoranda). The UHP Chair is the final decision-maker as to the admission of information at the UHP.
- G. Material Observers will provide information directly to the UHP. The panel members and Respondent/Respondent's advisor will have the opportunity to question each Material Observer. The Chairperson has the discretion to deny the inclusion of questions which are not relevant to the alleged policy violations, do not maintain the educational tone of the hearing, and/or create an adversarial environment.
- H. If the Respondent fails to attend a UHP, the UHP will proceed without the Respondent's participation and the Respondent will be bound to all decisions made during the UHP, including, without limitation, decisions concerning responsibility for alleged violations; and any Outcome(s) imposed because of those violations.
- I. Deliberations by the UHP will be closed to the members of the UHP and a representative from the LSU Office of Legal Affairs and General Counsel. Responsibility will be determined using a standard of a preponderance of information, or more likely than not. A majority vote of the panel members is required for a decision. The Chairperson will only vote to break a tie vote.
- J. When the UHP determines that the Respondent violated a policy within this Code, the panel members will also determine appropriate Outcome(s) by majority vote. No past violation of this Code may be introduced or

considered in the deliberation of responsibility for a charge unless presented to directly rebut claims by the Respondent of no prior misconduct. However, if a Respondent is found by the UHP to be Responsible for any violation of this Code, record of any past violation or Informal Resolution may be considered by the UHP in determining appropriate Outcome(s).

- K. The UHP will verbally notify the Respondent of its decision and Outcome(s) imposed, if any, at the conclusion of the hearing. A written Notice of Outcome will be emailed to the Respondent within one (1) business day. This notice will include:
 - 1. Determination of responsibility for each charge policy violation, if any;
 - 2. The panel's rationale for the determination and a brief summary of the information upon which the UHP relied in making its decision;
 - 3. The Outcome(s) the UHP has imposed on the Respondent, if any; and
 - 4. Information about the Respondent's right to appeal the UHP decision.

- L. The University will record the hearing and the recording shall serve as the official record of the UHP. UHP deliberations are not recorded. Neither the Respondent nor any other participant in the UHP may record the hearing. The University will provide a copy of the recording to the Respondent upon request.

Sample UHP Procedures

- I. Introduction of Parties
- II. Review of Charges
 - a. Respondent's response to charges (regarding responsibility)
- III. Respondent's Opening Statement
- IV. Chairperson's Presentation of Information
 - a. Questions from the panel to the Chairperson
 - b. Questions from the Respondent to the Chairperson
- V. Respondent's Presentation of Information
 - a. Questions from the panel to the Respondent
- VI. Material Observer's Presentation of Information (repeat as needed)
 - a. Questions from the panel to the Material Observer
 - b. Questions from the Respondent to the Material Observer
- VII. Final Questions from the panel for any party
- VIII. Respondent's Closing Statement

- IX. UHP Deliberation (closed session)
- X. Determination of Policy Violations (verbally given)
- XI. Presentation of Prior Conduct Violations and/or Informal Resolutions (if any)
- XII. Respondent's presentation of mitigating factors and/or character statements
- XIII. UHP Deliberation (closed session)
- XIV. Verbal Delivery of Outcome(s) imposed by the UHP
- XV. UHP is Adjourned
- XVI. Written Notice of Outcome Emailed to Respondent within one (1) business day

10.0 MISCONDUCT

10.1 Academic Misconduct

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. A Student is responsible for submitting work for evaluation that reflects the Student's performance. If a Student has a question regarding the Instructor's expectations for assignments, projects, tests, or other items submitted for a grade, it is the Student's responsibility to seek clarification from the Instructor.

In accordance with the LSU Eunice Employee Handbook, 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 referring the Student to OSA under the provisions of this Code. Any grade assigned because of Academic Misconduct must be in accordance with this Code.

A Student found Responsible for Academic Misconduct may NOT drop the course in which the violation occurred. Any Student who drops the course without written permission from OSA will be re-enrolled in the class and then given the appropriate grade as provided in the Outcome.

A Student may be charged with Academic Misconduct for the following acts or omissions:

- A. **Collaboration.** Unauthorized communication or interaction between two (2) or more individuals on any academic work by giving, receiving, or otherwise sharing information without permission of the Instructor.
- B. **Copying.** Copying from another Student's academic work; assisting with copying by making answers or other completed assignments available, in whole or part, to another Student, whether or not the recipient's intentions to copy were known to the Student prior to the sharing.

- C. **Failure to Follow Course Requirements.** Failure to adhere to standards of conduct for academic integrity that are promulgated by an academic unit or Instructor.
- D. **False Information.** Falsifying or fabricating any information, data, or citation in any academic work including but not limited to documents intended to support medical excuses or absence from class or academic work.
- E. **Misrepresentation.** Misleading an Instructor as to the condition under which the work was prepared including, but not limited to, substituting for another Student or permitting another person to substitute for oneself on any academic work.
- F. **Other Academic Misconduct.** Attempting to commit, or assisting someone in the commission or attempted commission of an offense defined in this section, or any other act that may create an unfair academic advantage.
- G. **Plagiarism.** Lack of appropriate citation, or the unacknowledged inclusion of someone else's words, structure, ideas, or data; failure to identify a source, or the submission of essentially the same work for two (2) assignments without permission of the Instructor.
- H. **Unauthorized Materials.** Using any material, technique or device on an academic assignment that is prohibited; having any forbidden or unauthorized material, technique or device available on any academic work will be considered a violation.

10.2 Behavioral Misconduct

A Student or RSO may be charged with Behavioral Misconduct for any of the following acts or omissions:

- A. **Alcohol.** Unlawful or unauthorized possession, use, distribution, delivery, or sale of alcohol and/or public intoxication; consumption that endangers oneself; or operating a vehicle while intoxicated or under the influence of alcohol.
- B. **Coercive Behavior.** An act by an individual or a group that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization, regardless of consent, which tends to or which is intended to demean, disgrace, humiliate or degrade a Student, which includes but not limited to forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of a Student. Examples of coercive behavior include, but are not limited to, line-ups, scavenger hunts and personal servitude.

- C. **Complicity.** Attempting to commit, knowingly permitting, encouraging, or assisting others with the commission or attempted commission of any act, omission or conduct prohibited under this Code.
- D. **Computer Misuse.** Unauthorized access or entry into a computer, computer system, network, software, or data; alteration of computer equipment, software, network or data; failing to comply with laws, license agreements, and contracts governing network, software and hardware use; using University computing resources for prohibited activities; using University computing resources for unauthorized solicitation or commercial purposes or any violation of University computer policies.
- E. **Disorderly Conduct.** Behavior that impairs or interferes with the orderly functions or processes of the University or the reasonable safety or security of other persons.
- F. **Disruption/Obstruction.** Disruption or obstruction of teaching, research, administration, Accountability proceeding, or other University activities and/or the performance of duties of University personnel or contractors.
- G. **Drugs.** Possession, use, public intoxication, sharing, furnishing or distribution of illegal drugs, intoxicants, controlled substances, drug paraphernalia, prescription medication contrary to a valid prescription, or operating a vehicle while under the influence of drug(s).
- E. **Endangerment.** Physical abuse or force against one's self, another individual, or group, or the reasonable apprehension or threat of such harm; conduct that endangers the health, safety, or well-being of one's self or another person or group.
- F. **Failure to Comply.** Defying the order or instruction of a University official, other authorized person on behalf of the University or any University policy, contract, mandate or rule.
- G. **False Information.** Providing false information to a law enforcement officer, to the University or a University official, or making an intentional or reckless misrepresentation which creates an unfair advantage or is reasonably likely to damage, mistreat or harm another.
- H. **Forgery.** Altering, falsifying, or otherwise misrepresenting documents to the University or relating to any University official or office.
- I. **Harassment.** Repeated, persistent, severe, or pervasive action directed toward a specific individual or individuals with the intent or effect to harass, harm, or alarm, through oral, written, graphic, physical, or social media contact. Harassment

includes attempted or threatened physical contact or an act that creates the reasonable apprehension of unwanted contact, or any repeated pattern of verbal communications or nonverbal behavior, without invitation or over an individual's objection, which includes but is not limited to making telephone calls, emails, electronic communications, or sending letters or pictures.

- J. **Hazing.** Hazing means an act by an individual or a group that, as an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization, regardless of consent:
1. Endangers the physical health or safety of a person or would cause a reasonable person severe emotional distress;
 2. Results in the destruction or removal of public or private property;
 3. Involves the consumption of alcohol or drugs;
 4. Involves the consumption of substances to excess or placement of substances on the body;
 5. Involves sexual activity;
 6. Involves violation of federal, state or local law or University policy;
or
 7. Disrupts the academic performance or class attendance of a person.

It is not a defense to a charge of hazing that (i) the consent of the person had been obtained; (ii) the conduct or activity that resulted in the death or injury of a person was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or (iii) the conduct or activity that resulted in death or injury of the person was not done as a condition of membership to an organization.

The following is a non-exclusive list of examples of acts which, regardless of severity, constitute hazing:

- Physical brutality, such as whipping, beating, paddling, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
- Physical activities, such as sleep deprivation, exposure to the elements or extreme conditions, imprisonment, confinement, or calisthenics;

- Consumption of food, liquid, or any other substance, including but not limited to alcoholic beverages or drugs, that subjects the person to an unreasonable risk of harm or that may adversely affect the physical health or safety of the person;
 - Placement of substances on the body of a person;
 - Kidnapping or dropping a person off campus without return transportation;
 - Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.
- K. **Identity Misuse.** Illegal or unauthorized use of an identification card, password, access code or number; including, but not limited to permitting another Student or non-Student to use a University or government-issued identification card; alteration or sale of an identification card.
- L. **Improper Sales & Solicitation.** Unauthorized or prohibited solicitation, sale, fundraising, canvassing, distribution or posting of any written material, email, web, or printed material, including but not limited to any offer to sell or purchase an identification card for improper use or any offer to sell or purchase academic materials which, if used, would result in academic misconduct.
- M. **Property Misuse.** Intentional or reckless destruction, defacement or damage to University property or to the property of any individual or group.
- N. **Residential Life.** Violating, attempting to violate, or assisting the violation of any contract, rule, policy, and/or handbook of the Department of Residential Life.
- O. **Retaliation.** Any acts or attempted acts against an individual for the purpose of discouraging and/or exercising right(s) of an individual under the Code.
- P. **Safety.** Tampering with or unapproved activation of any safety equipment and/or warning system; setting or causing a fire on Campus; engaging in dangerous activities contrary to posted or verbal warnings.
- Q. **Stalking.** Repeated, unwanted conduct toward or contact with another individual, including but not limited to, following someone, lying in wait, persistent presence around an individual, contacting an individual verbally, electronically, via social media or third party over the individual's objection, or threats to an individual or to the individual's family, friends or property, that would cause a reasonable person fear or substantial emotional distress.

- R. **Theft.** Using, depriving, removing or possessing the property and/or services of the University or another individual without entitlement or authorization.
- S. **Trespassing.** Unauthorized entry or use of any property or facility.
- T. **Unauthorized Surveillance.** Creating, making, possessing, storing, sharing, or distributing unauthorized video, digital, or photographic images of a person taken in a location in which that person has a reasonable expectation of privacy.
- U. **Violating a Rule of the University.** Violating, attempting to violate, or assisting in the violation of any contract, rule, policy, bylaw, and/or regulation of the University.
- V. **Weapons.** Possession on one's person, which includes any bag, case, container, purse, clothing or backpack and/or use of any weapon, defined as any object used or designed to inflict or attempt to inflict harm or injury or fear of harm or injury. Weapons include, but are not limited to firearms, facsimile guns, air guns, knives, explosives, any dangerous chemical or biological agent or any other object or material capable of causing harm, and used by the offending person to inflict or attempt to inflict fear, harm or injury.

11.0 OUTCOMES

11.1 General

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

A Hearing Officer or UHP may consider aggravating or mitigating factors when issuing an Outcome. Violations of the Code that are motivated by prejudice toward a person or group because of factors that include, but are not limited to, race, creed, color, marital status, sexual orientation, gender identity, gender expression, religion, sex, national origin, age, disability, genetic information, or veteran status may be assessed an enhanced Outcome.

The Hearing Officer, Dean of Students, or UHP may delay registration for classes or withhold the issuance of an official transcript, grade, diploma, or degree to a Student

alleged to have violated a rule or regulation of the University who has not completed an Outcome, Informal Resolution, or has failed to respond to an OSA directive.

11.2 Accountability Status

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

- A. **Warning.** A written warning issued to a Student or RSO. This will be in effect for a specified time period and will not be recorded on the Student's academic transcript except in cases of Academic Misconduct. A Warning may include an Accountability Outcome.

- B. **Disciplinary Probation.** Disciplinary Probation is a status for a specified period of time during which any further violation of the Code, University policy, or Informal Resolutions jeopardizes the status of the Student or RSO with the University.
 - 1. Disciplinary Probation without restriction would allow Students to participate in Student organization leadership, intramurals, study abroad programs, or other specified co-curricular activities.
 - 2. Disciplinary Probation with restriction includes loss of privileges. For Students, inability to hold a position of leadership in an RSO, exclusion from participation in intramurals, exclusion from study abroad programs, or restriction of other representation of the University.
 - 3. Disciplinary Probation will not be recorded on the Student's academic transcript except in cases of Academic Misconduct.
 - 4. Disciplinary Probation for an RSO may include, but is not limited to, loss or limitation of social events or inability to participate in University events or activities.

- C. **Suspension.** Suspension is the physical separation of a Student or RSO from the University for a specified period of time.
 - 1. A Student suspended from the University may be readmitted with approval of admissions, the degree-granting academic division, and the Dean of Students.
 - 2. A Student suspended from the University may NOT be on Campus without specific written authorization by the Dean of Students.

3. Suspension from the University will be recorded on the Student's academic transcript.
 4. An RSO that has completed a period of Suspension may seek reinstatement by complying with the registration requirements of the appropriate University department.
- D. **Expulsion.** Expulsion is the permanent separation of a Student from the University without the possibility of readmission.
1. A Student expelled from the University may not enter or remain on Campus without specific written authorization by the Dean of Students.
 2. Expulsion will be recorded on the Student's academic transcript.
- E. **Rescission of University Registration.** A process whereby the University revokes the rights and privileges of an RSO.

11.3 Accountability Outcomes

- A. **Educational Activities.** Educational Activities may be assigned to a Student or RSO to encourage positive behavioral change and developmental growth. These include, but are not limited to, attendance/participation at educational programs, creation of documents, referral to a counselor or other health or wellness provider, completion of treatment recommendations made by a health or wellness provider, community service, Moodle Modules and provision of documents from court-ordered directives. Fees may be charged for Educational Activities related to a specific Outcome.
- B. **Grade Impact.** In situations involving Academic Misconduct, a Student may be assigned a failing grade for the work/assignment in question, may receive zero credit, no credit, or partial credit for the work in question, may have the overall class grade lowered by one (1) letter, or may receive a failing grade for the course.
- C. **No Contact Directive.** A Student or RSO may be directed to cease all communication and contact with another Student, group of Students, Instructor or other University employee or other individual. Under a no contact directive, a Student may be prohibited from entering or remaining in or around a specified University building, facility or area of campus. This may also be issued as an interim measure in limited circumstances where it has been determined that a Student or RSO may be a threat or harm to others.

- D. **Parent/Guardian Notification.** The Parent/Guardian Notification outcome is designed to help families and the University work together to prevent drug and alcohol abuse. FERPA permits LSU Eunice to inform parents or guardians when their student, under the age of 21, has been found in violation of charges related to drugs and/or alcohol.
- E. **Restitution.** A Student or RSO may be required to pay for damage to property, for personal injury expenses and/or other expenses. Payment will be made under the stipulations determined by the Dean of Students or a UHP.
- F. **Restrictions.** Restrictions may be imposed as an Outcome for any Student on Warning, Disciplinary Probation, Suspension, Interim Suspension and/or Expulsion. Restrictions include, but are not limited to, loss of privileges, removal from residential facilities, inability to hold a position of leadership in an RSO, restriction from intramurals, restriction from study abroad programs, or restriction of other representation of the University, and limitations to entering or being present in specific campus locations. Restrictions may be imposed as an Outcome for an RSO on any Accountability status. These restrictions may include, but are not limited to, limitations or restrictions on social or philanthropic events, ability to host or participate in events or other restrictions as may be identified by the Hearing Officer or UHP. For Students in Residential Life, restrictions may include, but are not limited to, limitations to entering or being present within Residential Life communities; loss of guest privileges within Residential Life communities; relocation of housing assignment to a different community; and removal from housing assignment.
- G. **Revocation of Degree or Diploma.** Revocation of any degree and withdrawal of the diploma may be imposed when the violation is related to the integrity of any academic credit, work, service, or prerequisites required for the degree.

11.4 Appeals

A Student or RSO shall be afforded the opportunity to appeal a hearing decision to the Chancellor. The student or the organization's attorney or non-attorney advocate may submit an appeal. Cases resolved through an Informal Resolution as outlined in Section 8.1 are not eligible for appeal.

An appeal will only be considered on the following grounds:

- A. A significant departure from procedures, definitions or standards in the Code which reasonably could have had a material impact on the decision-making process during the hearing;

- B. New information is now available, which could not be obtained by the time of the hearing, that would have had a substantial impact on the hearing determination of responsibility or appropriate outcomes;
- C. The determination of responsibility or outcome is the result of a substantial disregard of the information presented in the hearing; and/or
- D. Substantiated bias or personal prejudice by a hearing officer or UHP panelist that precluded them from fairly and impartially hearing the case.

11.5 Appellate Process

An request for appeal must be submitted in writing to the Chancellor's Office no later than ten (10) business days after the Administrative Hearing Outcome or UHP Outcome is emailed to the Student, RSO or Complainant. The appeal request must identify the specific actions or Outcomes being contested. All submissions must include at least one (1) of the grounds identified in Section 11.4 as the basis for appeal, and must include any supporting documentation to be considered on appeal. (This may include police reports, transcripts, or the outcome of any civil or criminal proceeding directly related to the appeal.) The Chancellor may request additional documentation from any involved party as needed. When a timely appeal is made, the Outcome will be suspended until the appeal decision is issued.

The Chancellor, or designee, will review appeal documentation. If the Chancellor determines that one (1) of the above referenced grounds has been met, it may issue one (1) of the following recommendations to the Dean of Students:

- A. Uphold the UHP;
- B. Recommend that a new Administrative Hearing or University Hearing Panel convene to correct the error; or
- C. Reversal or modification of the decision and/or Outcome(s).

If the Chancellor's decision on appeal is final and concludes the Accountability process. Any Outcome remaining at the conclusion of the appeal process will commence once the appeal decision is issued.

12.0 Accountability Records

Student conduct cases and records are education records of the University and are maintained by OSA. A Student may review and examine the Student's own Accountability records. These records are generally not available for others to review except in accordance with law. Accountability records are maintained as follows:

- A. Files for suspensions, expulsions, and violent offenses are maintained indefinitely. All other files are maintained for at least seven (7) years. At the end of the seven-year period, the files may be destroyed in accordance with the University's record disposal policies.
- B. Academic Misconduct, suspension, expulsion and/or any other Accountability action that separates the Student from the University is recorded on the Student's academic transcript maintained in the Office of the University Registrar unless otherwise stated in the Outcome.
- C. Upon request, a notation on the Student's academic transcript will be removed at the completion of the Outcome period, except in cases of a suspension or expulsion.
- D. In cases of suspension, a Student may petition OSA in writing to have this notation removed from the academic transcript. At the discretion of the Dean of Students, or designee, this notation may be removed from the academic transcript; however, the Accountability record maintained in OSA will remain as provided in this Code. Typically, a Suspension notation will only be removed after the Student has returned to the University or the suspension has ended.
- E. A notation of expulsion or degree revocation from the University is never removed from a Student's academic transcript.
- F. RSO records are kept in accordance with guidelines for individual student records.