



POLICY STATEMENT 54

A POLICY GOVERNING THE APPLICABILITY OF THE CODE OF STUDENT CONDUCT TO STUDENTS WITH DUAL RELATIONSHIPS WITH THE UNIVERSITY

POLICY DIGEST

Monitoring Unit: Office of the Dean of Students
Initially Issued: April 24, 1980
Last Revised: April 1, 2016

I. PURPOSE

To outline conditions under which the University or third parties may or may not bring charges under the Code of Student Conduct against a student who has established formal dual relationships with the University, and to outline other means of redress available to the University or third parties when the Code of Student Conduct is not applicable.

II. DEFINITIONS

Dual Individual-University Relationships: A dual individual-University relationship exists when two or more discernible formal relationships exist between an individual and the University. The number of possible dual relationships is many. The most common are: A full-time student who is employed by the University on a part-time basis; a full-time employee who is enrolled as a part-time student; a full or part-time graduate student who is given a special title as a part-time University employee, e.g. graduate assistant, graduate teaching assistant, and graduate research assistant; and a full-time student who also serves part-time as a quasi-University employee.

With the exception of the full-time student who also serves as a quasi-University employee, all of these relationships are clearly defined in other University regulations and/or the University catalog. A full-time student/part-time quasi University employee is a full-time student who meets the test of being an employee by being paid from University funds, but who does not meet other normal tests of being an employee in that the student does not work totally under the direct supervision of a University employee and/or the University has little or no choice in the person chosen to fill the position, e.g., elected, paid Student Government officers and some students who hold paid positions on the staff of *The Reveille*, *Gumbo* and WPRG.

Code of Student Conduct: The Code of Student Conduct is the University's policy statement governing student conduct, which includes a listing of actions by students that will be considered misconduct. Consistent with the University's commitment to provide students with due process in disciplinary matters, no University disciplinary sanctions may be imposed upon a student for misconduct growing out of his role as a student except in accordance with the provisions of the Code of Student Conduct.

Misconduct: The term misconduct is used to include any action by a student which is contrary to the provisions of the Code of Student Conduct, other University regulations, or a local, state, or federal law.

University Regulations: The term University regulations is used in this policy statement to include all regulations, rules, resolutions, policies, procedures, and practices established and promulgated by the Board of Supervisors, the University, the President and other administrative offices of LSU, to govern the student-University relationship, the employee- University relationship, and/or other relationships between an individual and the University.

III. GENERAL POLICY

Students are responsible for knowing and abiding by the provisions of the Code of Student Conduct in all actions taken by the student in the student University relationship. Thus, with reasonable cause, the University, or a third party, may file charges under the Code against an individual for action taken by that individual in the student-University relationship. When a student establishes other relationships with the University, the student is also responsible for knowing and abiding by the regulations of the University established to govern these relationships.

Growing out of the dual relationship that exists between some individuals and the University, it occasionally becomes necessary to determine whether an alleged violation of University regulations grew out of a student-University relationship, and/or some other relationship between the individual and the University. When such a situation arises, the University reserves to itself the authority to make the initial decision as to the role of the individual in the individual-University relationship at the time the alleged violation occurred. Each such decision will be made on the basis of an analysis of the conditions under which the action was taken which led to an allegation. If this role is determined to be a part of a student-University relationship, charges under the provisions of the Code of Student Conduct may be filed. If this role is deemed to be a part of a relationship other than student- University, the Code of Student Conduct may not be used as a basis for filing charges, although other University procedures may be followed in filing charges or otherwise seeking redress. Individuals with a dual relationship with the University may be simultaneously charged with violation of the Code and other University regulations.

If an individual against whom the alleged violation is made, or a third party complainant, does not agree with the University's decision as to role when the alleged violation occurred, this decision may be questioned formally, or challenged through appeals procedures established by the University, i.e., PS-8, Grievance Procedures for Classified, Unclassified, Non-classified Employees and for Associates, Assistants, and Library Assistants, or PS-48, Appeal Procedures Available to Students.

IV. OPERATING PROCEDURES

The Office of the Dean of Students is responsible for the administration of the policies and procedures established in the Code of Student Conduct. Allegations of violations of the Code are to be made to this office. Thus, in the initial decision of the applicability of the Code to an alleged violation, the following general guidelines will be used:

- A. Full-time students who are also University employees, will always be subject to the provisions of the Code, unless an analysis of the facts surrounding the action which resulted in an alleged violation, unquestionably leads to the conclusion that the individual was in an employee role at the time of the alleged violation.
- B. Full-time employees who are also enrolled as students, will not be subject to the provisions of the Code of Student Conduct except in those cases in which an analysis of the facts surrounding the

action which resulted in the alleged violation, unquestionably leads to the conclusion that the individual was in the student role at the time of the alleged violation.

- C. Students who are also in a quasi-employee relationship with the University (see section on definitions) will be subject to the provisions of the Code in both relationships, unless an analysis of the facts surrounding the alleged violation of University regulations, unquestionably leads to the conclusion that the individual was acting in a role as an employee.

In addition to the above general guidelines, the following specific guidelines will be used:

- D. Any alleged misconduct by a student in a class in which the student is enrolled, e.g., academic cheating, plagiarism, disruption of class, will be considered under the Code of Student Conduct, regardless of other relationships that exist between the person being charged and the University.
- E. Graduate teaching assistants will be subject to the provisions of the Code for actions taken as a student. Actions taken as a teaching assistant will be considered under regulations of the University specifically governing graduate teaching assistants, and generally governing University employees and not under the Code.
- F. When a person who is in a dual student-employee relationship with the University is charged and found guilty of a violation of the provisions of the Code of Student Conduct, the University reserves the right to use this determination of guilt in reassessing the individual's relationship with the University as an employee.

V. SOURCE

PM-23, Academic Ranks and Privileges; PM-24, Educational Privileges of Nonacademic Employees; The General Catalog; and The Graduate Catalog.