

BYLAWS & REGULATIONS



BOARD OF SUPERVISORS
LOUISIANA STATE UNIVERSITY SYSTEM

Revised: October 31, 2003

LOUISIANA STATE UNIVERSITY SYSTEM

The Louisiana State University System evolved with the establishment of the position of Chancellor for the Baton Rouge Campus on February 6, 1965.

The Louisiana State University System was officially recognized with the passage of the implementing legislation (RS 17:3202 and 3301) for the 1974 Louisiana Constitution.

The Louisiana State University System has the mission of creating an environment of learning and exploration which will provide the people of Louisiana with the opportunities and benefits of a full-scale university endowed with special responsibilities of a land grant institution to effect improvement in the quality of life of the people in the state. This mission involves development of the highest levels of intellectual and professional endeavor in programs of instruction, research, and service. The System, therefore, serves the people as an instrument for discovery as well as transmission of knowledge. Each campus has a unique but complementary role in the overall mission of the System. This principle of geographic as well as academic differentiation allows the campuses to extend basic as well as unique programs to citizens throughout the state.

The University System serves a multiracial and multi cultural population and adheres to the principle of equal educational and employment opportunity to qualified persons without regard to race, creed, religion, color, national origin, handicap, marital status, veterans status, sex, or age.

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**PART 1
BYLAWS OF THE LSU BOARD OF SUPERVISORS**

ARTICLE I

Definitions

A. **The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College.** The "Board of Supervisors of Louisiana State University and Agricultural and Mechanical College" or "Board" as used in the **Bylaws**, shall refer to the governing Board of the University System and shall be composed of the Board of Supervisors, duly appointed and qualified as provided by law.

B. **Chairman of the Board.** The term "Chairman of the Board," as used in these **Bylaws**, shall refer to the Supervisor who is the duly elected Chairman or acting Chairman of the Board of Supervisors.

C. **University System and System.** The term "University System" or "System," when used in these **Bylaws**, shall refer to the System of campuses and other facilities governed by the Board of Supervisors, which includes:

1. Louisiana State University and Agricultural and Mechanical College (including the School of Veterinary Medicine, Division of Continuing Education, and other units having statewide responsibilities), located at Baton Rouge.
2. University of New Orleans.
3. Louisiana State University at Alexandria.
4. Louisiana State University at Eunice.
5. Louisiana State University in Shreveport.
6. Louisiana State University Health Sciences Center, which administers the health-related schools (School of Medicine in New Orleans; School of Medicine in Shreveport, including University Hospital; School of Dentistry; School of Nursing; School of Allied Health Professions; and School of Graduate Studies), and the Health Care Services Division.
7. Louisiana State University Agricultural Center, which carries out a large portion of the land grant college function by administering cooperative extension and agricultural research programs throughout the state.
8. The Paul M. Hebert Law Center, located at Baton Rouge, which administers the legal education, legal research, continuing legal education, and legal service programs of the Board throughout the state.
9. Louisiana State University School of Veterinary Medicine, located on the Baton Rouge campus, which administers the veterinary medicine and associated graduate education programs, basic veterinary medicine research, continuing veterinary medicine education, and veterinary medicine service and clinical programs of the Board throughout the state.
10. Any other college, university, school, institution, or program now or hereafter under the supervision and management of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College.

D. **President of the University System.** The term "President of the University System" or "President," as used in these **Bylaws**, shall refer to the duly appointed President or acting President of the University System, who shall be the principal executive officer of the University System and Secretary to the Board of Supervisors.

- E. **Chancellor.** The term "Chancellor," as used in these **Bylaws**, shall refer to the administrative head of a campus or major administrative subdivision of the University System as designated by the Board.

ARTICLE II

MEETINGS

Section 1. Regular Meetings. The Board of Supervisors shall hold at least six regular meetings in each calendar year, but at least one regular meeting shall be held in each quarter of the calendar year. Other meetings of the Board may be called and held as provided by any rule, regulation, or resolution adopted by the Board. All regular meetings shall be held at meeting places designated by prior action of the Board.

Section 2. Special Meetings. Special meetings of the Board may be called by the Chairman of the Board at any time, or by the Secretary upon receipt of a written request therefore signed by nine (9) members and specifying the purpose of the desired meeting. Notification shall be sent by mail to each member at least three (3) calendar days before the time of the meeting.

The Board shall not act upon any matter not embraced in the notice for a special meeting except upon the vote of two-thirds (2/3) of the entire membership of the Board.

Section 3. Recessed Meetings. All meetings may be recessed from day to day until the completion of business.

Section 4. Quorum. Ten (10) members of the Board, eligible to vote, shall constitute a quorum for the transaction of official business.

ARTICLE III

OFFICERS AND STAFF OF THE BOARD

Section 1. Chairman and Vice-Chairman. At the second regular meeting of the Board in the third quarter of each calendar year, the Board shall elect from among its members a Chairman and a Vice Chairman, whose terms shall begin immediately upon election and installation. The duties of these officers are listed below. They shall serve for a term of one year. Any person elected Chairman or Vice Chairman shall be eligible to serve two consecutive one-year terms. Should a vacancy occur in either the Chairmanship or the Vice-Chairmanship, the Board shall elect a successor from its membership. The Board may elect such other officers as it may deem necessary.

The Chairman of the Board shall preside over all meetings of the Board, serve as ex officio member of all committees, name the appointive members of all standing and special committees of the Board, and fill all vacancies in the membership of such committees, in accordance with the provisions of these Bylaws.

The Vice-Chairman of the Board shall perform the duties of the Chairman in the absence of the Chairman of the Board.

In the event both the Chairman and the Vice-Chairman are absent from a Board meeting, the Board shall elect a temporary chairman from those present.

Section 2. Secretary and Office Staff. The President of the University System shall be the Secretary to the Board, its Executive Committee, and other standing and special committees. There shall be an Administrative Secretary and an Assistant Administrative Secretary of the Board, and such other personnel as may be required for the efficient operation of the offices of the Board. The staff shall function under the supervision and direction of the Board.

Copies of all minutes, papers, and documents of the Board, or of its several committees, may be certified to be true and correct copies by either the Chairman, Secretary, Administrative Secretary, or Assistant Administrative Secretary.

ARTICLE IV

ORDER OF BUSINESS

Section 1. Rules of Order. When not in conflict with any of the provisions of this article, **Robert's Rules of Order** (latest revision) shall constitute the rules of parliamentary procedure applicable to all meetings of the Board.

Section 2. Order of Business. The order of business of regular meetings of the Board shall be as follows:

- a. Roll call and invocation.
- b. Correction and approval of minutes of preceding regular meeting and of all special meetings held subsequent thereto.
- c. Reports and recommendations of standing and special committees.
- d. Reports and recommendations of the President.
- e. Report of the Secretary.
- f. Reports for Board information.

Section 3. Reference to Committees. In cases where feasible and desirable, before taking action, the Board shall refer any subject or measure to the standing or special committee in whose purview the matter falls. The committee to which the matter is referred should submit to the Board its recommendations in writing, together with any resolutions necessary to facilitate such recommendations.

Section 4. Meetings. In order that all interested parties and the public may be informed of all activities of the Board, it shall be the policy of the Board that all meetings be open to all who wish to attend. Only when personnel or equally sensitive matters (e.g., litigation) are under consideration shall the Board enter into closed or executive session; provided, however, that no final or binding action shall be taken in a closed or executive session. Prior to each regular meeting of the Board, the President shall prepare and forward to each member of the Board a tentative agenda for the meeting at least ten (10) days prior to such regular meeting. Upon written request of three (3) members of the Board that a particular item be included, the President shall place the subject or subjects upon the agenda. All matters requiring Board action, however, may be acted on even though not carried on the agenda.

Each resolution shall be reduced to writing and presented to the Board before it is acted upon. All official actions of the Board shall require the favorable vote of a majority of the Board members present and voting, and, in any event the favorable vote of at least seven (7) members. Proxy voting is prohibited.

Section 5. Minutes. The minutes of the Board meetings shall record official action taken upon motions or resolutions which are voted upon by the Board, and may contain a summary of reports and pertinent discussion. Where the Board action is not by a unanimous vote, the "ayes" and "nays" and abstentions of the individual members shall be recorded. The remarks, personal views, or vote explanations of an individual Board member shall be included in the minutes only upon request. The foregoing provisions relative to contents of the minutes shall, in general, also apply to minutes of committees of the Board. The minutes of meetings of the Board become official only when completed and approved by the Board.

ARTICLE V

COMMITTEES

Section 1. Standing Committees. Unless and until otherwise decided by the vote of a majority of the membership of the Board of Supervisors, the standing committees of the Board shall consist of the following:

- a. Executive Committee.
- b. Budget and Finance Committee.
- c. Academic Affairs Committee
- d. Property and Facilities Committee.
- e. Athletic Committee.
- f. Health Education and Services Committee

Section 2. Appointment and Term. Members of all standing committees, one of whom shall be designated as chairman, and one of whom shall be designated as vice-chairman, shall be appointed by the Chairman of the Board at the time the Chairman assumes office. The term of committee appointments shall run concurrently with that of the Chairman.

Vacancies occurring among the appointive members of any committees, however arising, shall be filled by the Chairman of the Board for the remainder of the unexpired term.

Section 3. Officers of Standing Committees. The Chairman and the Secretary to the Board shall be chairman and secretary, respectively, of the Executive Committee. In the absence of the chairman, the vice-chairman shall preside. In the event both the chairman and the vice-chairman of the committee are absent from a meeting, the committee shall elect a temporary chairman from those present.

It shall be the duty of the chairman of each committee to call, and to preside over, the necessary meetings. The minutes of the meeting of the committee, showing its actions and recommendations, shall be deemed in compliance with the provisions of Article IV, Section 3, hereof, concerning the written recommendations of the committee.

Section 4. Quorum of Committee Meetings. A majority of the members of any committee of the Board shall constitute a quorum for the transaction of business. When a quorum is not present, the Chairman of the committee, or vice-chairman in the chairman's absence, may designate a member of the Board to serve as a substitute member of the committee concerned.

Section 5. Authority of Committees. The authority of committees of the Board shall be subject to these **Bylaws** and to the policies and direction of the Board.

Section 6. Executive Committee. The Executive Committee shall consist of not less than seven (7) members with the Chairman and Vice-Chairman of the Board serving in those same capacities on the Committee. The chairman of each of the other standing committees listed in Section 1 shall also be members of the Executive Committee.

The Executive Committee shall consider such matters as shall be referred to it by the Board of Supervisors and shall execute such orders and resolutions as shall be assigned to it at any meeting of the Board. It shall be the further duty of the Executive Committee to take such action as may be necessary in the event that any emergency requiring immediate action shall arise between Board meetings. All acts of the Executive Committee shall be submitted to the Board for ratification, or rejection, at its next meeting, except in matters where the Board shall have delegated to the Executive Committee full power to act with respect to any matter. Affirmative action by a majority of the entire membership of the Executive Committee shall be required.

Section 7. Budget and Finance Committee. The Budget and Finance Committee shall consist of not less than seven (7) members of the Board. Normally, to this committee shall be referred all matters related to budgets and to policies concerning the financial management of the University System.

Section 8. Property and Facilities Committee. The Property and Facilities Committee shall consist of not less than seven (7) members of the Board. Normally, to this committee shall be referred all matters related to policies of management of all properties of the University System, purchase or sale of land, lease or grant of rights in property, construction of buildings and other facilities, and other matters concerning the properties of the System.

Section 9. Academic Affairs Committee. The Academic Affairs Committee shall consist of not less than five (5) members of the Board. Normally, to this committee shall be referred matters concerning academic organizations, centers and institutes, academic and research programs, chairs and professorships, faculty appointment, promotion, tenure, and all other matters relating to faculty. The committee will also consider matters of policy relating to student affairs and will make recommendations to the Board with reference to policies governing all fellowships, scholarships, and honor awards.

Section 10. Athletic Committee. The Athletic Committee shall consist of not less than five (5) members of the Board. Normally, to this committee shall be referred matters of policy concerning intercollegiate athletics of the University System. In acting upon said matters, the Committee shall have the benefit of the advice and recommendation of the Athletic Council.

Section 11. Health Education and Services Committee. The Health Education and Services Committee shall consist of not less than seven (7) members of the Board. Normally, to this committee shall be referred matters of policy concerning the operation and management of the LSU Health Sciences Centers, including all components of the Health Care Services Division.

Section 12. Special Committees. As the necessity therefore arises, the Chairman may create special committees with such functions, powers, and authority as may be determined. They shall consist of, but not be limited to, committees on legal education, health affairs, athletics, oil and gas, naming of facilities, and insurance and retirement. Unless otherwise provided in the action creating such a committee, the Chairman of the Board shall determine the number of its members and designate the chairman and vice-chairman thereof. The Chairman may also appoint **ad hoc** committees for special assignments for specified periods of existence not to exceed the completion of the assigned task.

Section 13. Representatives on Standing Committees of the Louisiana Board of Regents. In accordance with the provisions of R.S. 17:3399.5, the representatives from the LSU Board of Supervisors to select standing committees of the Louisiana Board of Regents shall be as follows:

<u>Board of Regents</u>	<u>LSU System</u>
Finance Committee	Chairman, Budget and Finance Committee Vice Chairman, Alternate
Academic and Student Affairs Committee	Chairman, Academic Affairs Committee Vice Chairman, Alternate
Facilities and Property Committee	Chairman, Property and Facilities Committee Vice Chairman, Alternate
Legislative Committee	Chairman, LSU Board of Supervisors Vice Chairman, Alternate

ARTICLE VI

COMMUNICATIONS TO THE BOARD

Section 1. All communications to the Board, or to any committee thereof, from persons having official relations with the University System shall be filed in writing with the President and duly transmitted by him to the Board; but all communications from a student organization, teacher, officer, or employee of any campus or System-wide unit shall be transmitted to the President through the Chancellor, and transmitted by the President to the Board or any of its committees. The President, or the Chancellor, shall have the authority to read and comment upon the communication but shall not delay or withhold such communications, except as hereinafter provided. Such communications shall be filed with the Chancellor at least ten (10) days before the meeting of the Board or committee, and with the President at least seven (7) days before such meeting. Otherwise, the Chancellor, or the President, may either submit such communication at that time or withhold such communication until the next meeting. In the event a Chancellor elects to withhold any such communication until the next meeting, such communication, or a true copy thereof, shall be promptly forwarded to the President with the notation of the Chancellor concerning such withholding.

ARTICLE VII

RIGHTS, DUTIES, AND RESPONSIBILITIES OF PRINCIPAL ADMINISTRATIVE OFFICERS OF THE UNIVERSITY SYSTEM

Section 1. Officers of the System. Officers of the System shall be the President and such other officers as the Board shall from time to time determine to be necessary for the administration of the System. It shall be the responsibility of the Board of Supervisors to establish procedures for the selection and appointment of major administrative officers within the University System.

Section 2. President of the System.

- a. The President shall be the executive head of the System in all its divisions and campuses, and shall serve as Secretary to the Board. Except as herein otherwise provided, the President shall be responsible to the Board for the conduct of the System in all of its affairs, and shall execute and enforce all of the decisions, orders, rules, and regulations of the Board with respect to the conduct of the System. The President shall be appointed by, and shall hold office at the pleasure of, the Board. The President's salary shall be fixed by, and recorded in the proceedings of, the Board. The President's discretionary authority shall be broad enough to enable him to meet his extensive responsibilities.
- b. The President shall attend the meetings of the Board and its various committees.
- c. The President shall make all nominations for appointments, suspensions, and dismissals of all administrative officers holding positions at the pleasure of the Board, after consultation with the appropriate academic and/or administrative staff concerned. Upon recommendation of the Chancellor of each campus, the President shall have the authority to make all other appointments, promotions, transfers, suspensions, and dismissals of academic and unclassified employees, subject to the approval of the Board. The President, or the President's designated agent, is authorized as the appointing authority to make and approve personnel actions relating to classified and unclassified personnel in positions exempt from the classified service by special action of the State of Louisiana, Department of Civil Service, including disciplinary actions required to be expressed in writing.
- d. Subject to the direction and control of the Board, the President shall
 1. Define the mission of each campus or institution and allocate functions and programs to each.

2. Establish administrative polices and procedures.
 3. Implement educational policies.
 4. Coordinate the activities among the various campuses.
 5. Prepare and present a consolidated budget.
 6. Serve as governmental liaison and spokesman for the System to the alumni, news media, and the general public.
 7. Promote the general welfare and development of the System in its several parts and as a whole.
- e. The President shall establish and maintain lines of communication with the chief administrative officer of each campus. The channel for official communications between the President and the various campuses shall be through the chief administrative officer in charge of each campus.
 - f. The President, as the chief financial officer of the System, shall assume and retain control at all times over all budgets of the System.
 - g. The President may, by written order, delegate to the Chancellor of each campus, authority to take action provided in Article VII, Section 2c. Any appointments so made shall be in accordance with existing policies of the System in effect at the time of such appointment.
 - h. The President shall have authority to appoint such committees from among the academic and nonacademic staff of the System as deemed desirable for the purpose of advising the President in connection with any problems of the System. The Chancellor of a campus shall be notified of all such appointments of personnel on his campus.
 - i. The President shall be a member of all faculties and shall serve as Chairman of all Faculty Councils.

Section 3. System Staff Officers. System staff officers shall include a chief academic officer and a chief business officer, and such other officers as deemed necessary for the efficient operation of the System, to be appointed by the President with approval of the Board. The System staff officers shall perform the duties outlined in writing by the President and approved by the Board.

Section 4. Chancellors.

- a. There shall be a Chancellor for each campus or major administrative subdivision of the System who shall be appointed by the Board upon the recommendation by the President, and who shall hold office at the pleasure of the Board. The Chancellor shall administer the division for which he is appointed and shall exercise complete executive authority therein, subject to the direction and control of the President and the Board.
- b. As the administrative head of a campus, the Chancellor shall be responsible to the Board through the President for the effective execution of: all laws relating to Louisiana State University System; all resolutions, policies, rules, and regulations adopted by the Board for the administration and operation of the System, and for the governance of all of its campuses; and all policies, rules, regulations, directives, and memoranda issued by the President. The Chancellor's discretionary power shall be broad enough to enable him to meet his extensive responsibilities. In the performance of his duties and responsibilities, the Chancellor shall have direct access to the President. He shall be the official medium of communication between the President and all personnel of his campus.
- c. Unless otherwise directed by the President, the Chancellor shall attend the meetings of the Board and its various committees. The Chancellor may invite members of his administrative or academic staff to aid him in his presentations to the Board.

- d. The Chancellor, after consultation with the appropriate academic and/or administrative staff, shall make recommendations to the President for appointments, suspensions, and dismissals of all campus administrative officers holding positions at the pleasure of the Board. He shall make all other appointments, promotions, transfers, suspensions, and dismissals of all academic, administrative, and professional employees subject to the approval of the President and confirmation of the Board. He or his designated agent is authorized as the appointing authority to take and approve personnel actions relating to classified and unclassified personnel in positions exempt from the classified service by special action of the State of Louisiana, Department of Civil Service, including disciplinary actions.
- e. The Chancellor shall be a member of all faculties on his campus and shall be Vice-Chairman of the Faculty Council of his campus.
- f. Within the framework of the functions and programs assigned to each campus by the Board and the President, the Chancellor shall implement educational and administrative policies for his campus. He shall prepare an organizational chart of the major divisions of the campus and shall designate such duties and responsibilities as he deems proper.
- g. The Chancellor shall be responsible to the President for the budget of his campus. This shall include the functions of review and recommendation concerning the budgets of all divisions of the campus and the preparation of a consolidated budget, as well as execution of the budget as approved by the President and the Board.

Section 5. The President's Advisory Council for the University System. The President shall have an Advisory Council for the University System. It shall consist of the President, members of the President's staff that he shall designate, and the Chancellors. The President shall serve as Chairman, or, in the President's absence a member of his staff that he shall designate shall serve in his place. The functions of the Council shall be to discuss common problems, exchange information, review the operation of the University System, and advise the President on matters of general policy and administration.

Section 6. Council of Chief Academic Officers. The Council shall consist of the chief academic officer of the System staff, who shall serve as chairman, and the chief academic officer of each major subdivision of the University System. The Council shall act in an advisory capacity to the President in matters relating to academic standards, programs, and policies of the System.

Section 7. The Executive Graduate Council. There shall be an Executive Graduate Council of the University System Graduate Division. It shall consist of:

- a. The chief academic officer of the System staff, who shall serve as chairman.
- b. The chief graduate officer for each campus.
- c. An appointed member of the graduate faculty from each campus of the System offering resident graduate work. These appointees shall be recommended to the President for appointment by each campus' chief administrative officer after consultation with the Chairman of the Executive Graduate Council, in order to avoid a concentration of representation from any general subject area.
- d. A single member, representing those campuses not offering graduate work, appointed by the President.
- e. A single member-at-large of the Graduate faculty to be appointed from any campus of the System by the President.

The member-at-large shall be appointed for two years and the members from individual campuses shall be appointed for staggered terms of three years.

The Executive Graduate Council shall coordinate all graduate work and approve new programs and degrees recommended by the several chancellors and their graduate councils for transmittal to the President for review before presentation to the Board.

ARTICLE VIII
RIGHTS, DUTIES, AND RESPONSIBILITIES OF
THE ACADEMIC STAFF

Section 1. Academic Freedom. The University System is committed to the principle of academic freedom. This principle acknowledges the right of a teacher to explore fully within the field of assignment and to give in the classroom and elsewhere such exposition of the subject as the teacher believes to represent the truth. This principle also includes the right of a member of the academic staff of the University System to exercise in speaking, writing, and action outside the University the ordinary rights of a citizen, but it does not decrease the responsibility which the member of the academic staff bears to the University System, the State, and the Nation. When a member of the academic staff is not officially designated to represent the University System, the staff member must indicate clearly that he or she is speaking as an individual citizen.

Among the many implicit responsibilities which must be assumed by those enjoying the privileges of academic freedom shall be that of refraining from insisting upon the adoption by students or others of any particular point of view as authoritative in controversial issues.

Section 2. Duties of Academic Staff. Each member of the academic staff is expected to be devoted to the accomplishment of the purposes for which the University System exists: instruction, research, and public service. Those members of the academic staff who comprise the faculty of the University System are charged to determine the educational policy of the System through deliberative action in their respective units and divisions.

Section 3. Appointment and Promotion of Academic Staff. Each appointment or promotion of a member of the academic staff shall be made upon the basis of merit and the special fitness of the individual for the work demanded by the position. All appointments, reappointments, promotions, and dismissals of members of the academic staff shall be made upon the authority of the President, subject to the approval of the Board.

The terms of the appointment of each member of the academic staff shall be reduced to writing and a copy thereof furnished to each of the contracting parties.

Section 4. Tenure of Academic Staff. Members of the academic staff may be appointed for specified terms (term appointments) or for indeterminate terms (tenured appointments). Term appointments are utilized at the lower academic ranks and ordinarily for initial appointments at all levels. Associate Professors and Professors and those holding equivalent ranks are tenured except as noted in System regulations. Under certain circumstances tenure may be awarded to those holding lower ranks.

The provisions of tenure apply to full-time faculty members with respect to their academic rank and not to administrative titles or assignments. Tenure applies only on the campus on which the tenure is earned.

The foregoing shall not be construed to exclude contracts between the Board and members of the academic staff on mutually acceptable terms other than those stated herein.

Any appointment, whether tenured or term, may be terminated for cause.

Section 5. Responsibilities of Academic Staff. It is a basic principle that every member of the academic staff of whatever rank shall at all times be held responsible for competent and effective performance of appropriate duties. No principle of tenure shall be permitted to protect any person from removal from a position after full and careful investigation, according to procedures of due process, has revealed that the person has not met and does not give promise of meeting the responsibilities of the position.

ARTICLE IX

AMENDMENT OR REPEAL OF BYLAWS

New bylaws may be adopted, and bylaws may be amended or repealed, at any meeting of the Board, but no such action shall be taken unless notice of such proposed adoption, amendment, or repeal shall have been given at a previous meeting or notice in writing of the proposed change shall have been served upon each member of the Board at least thirty (30) days in advance of the final vote upon such change, provided, however, that by a vote of two-thirds (2/3) of the entire membership of the Board, the requirement for such notice may be waived at any time.

ARTICLE X

RULES AND REGULATIONS OF THE BOARD OF SUPERVISORS

Section 1. Any action by the Board establishing policy or methods of procedure, administrative, business, academic, or otherwise, shall be known as **Rules and Regulations of the Board of Supervisors**.

Section 2. **Rules and Regulations of the Board of Supervisors** may be adopted by the Board, or may be amended or repealed, in whole or in part, at any meeting of the Board

Section 3. All policies and procedures of the Board, falling within the definition of rules and regulations, as herein defined, and in existence upon the date of the adoption of these **Bylaws**, shall be a part of the **Rules and Regulations of the Board of Supervisors**.

ARTICLE XI

ADOPTION OF BYLAWS

These **Bylaws** shall be and become effective on the 20th day of March, 1977.

ARTICLE XII

REPEALING CLAUSE

All rules, orders, regulations, and resolutions heretofore enacted or adopted by the Board, which are in conflict of these **Bylaws**, are hereby repealed.

PART II

REGULATIONS OF THE BOARD OF SUPERVISORS

CHAPTER I

ACADEMIC AND ADMINISTRATIVE ORGANIZATION

Section 1-1. Order of Communications and Reports. The official recommendations and communications of any member of the academic or nonacademic staff shall be sent through channels to the appropriate officer. An administrative officer shall, when so requested, promptly transmit any such recommendations or communications, with the officer's own comments and recommendations thereon, to the next higher office.

Section 1-2. Academic Organizational Units.

1-2.1. THE FACULTY OF THE UNIVERSITY SYSTEM.

The faculty of the University System shall consist of the faculties of the several campuses as defined below (Sec. 1-2.2). The President and the academic officers of the System shall be members of the University System faculty and the former shall be its highest officer.

1-2.2. THE FACULTIES OF THE SEVERAL CAMPUSES.

- a. **Membership.** Full-time members of the academic staff having the rank of Instructor or higher (or equivalent ranks¹) shall constitute the faculty of the campus on which they are appointed. The faculty may organize itself into a Faculty Council which shall include all full-time members of the faculty and members of the Administrative Council. As a class, part-time members of the academic staff having the rank of Instructor or higher (or equivalent ranks) may be enfranchised to the degree deemed appropriate by the faculties of the several campuses. Members of the Administrative Council, not holding academic rank, shall be non-voting members of the Faculty Council.
- b. **Duties** The faculty or Faculty Council² shall establish curricula, fix standards of instruction, determine requirements for degrees, and generally determine educational policy, subject to the authority of the Board. Except as otherwise provided, each faculty shall establish its own educational policies. It shall, within the framework of the educational policy of the System, have legislative power over all matters pertaining to its own meetings and may delegate its own authority to an elected Senate and/or to standing committees, whose authority shall be limited to matters which are proper to the faculty and which have been specifically delegated by the faculty. It shall make recommendations for the granting of degrees through its respective colleges or schools not within a college.
- c. **Actions.** Any action of a faculty or Faculty Council which, in the judgement of the chief administrative officer of the campus, or of the President, is administrative or which seriously affects the interests of another faculty of the LSU System or of the System itself, may be suspended by the President and such action shall be reported to the Board at its next meeting. All questions of jurisdiction among colleges, schools not within colleges, or divisions shall be determined by the chief administrative officer of each campus, or in inter-campus situations, by the President.

¹See Section 2-6.

²The terms "faculty" and "Faculty Council" are used interchangeably in this Section (1-2-2).

Minutes of all actions taken by the faculties or Faculty Councils, together with appropriate recommendations of the major administrative officer concerned, shall be reported to the President. The President may then refer any such action on academic matters of general System concern to the appropriate council, or a committee thereof, for consideration.

- d. **Meetings.** Each faculty or Faculty Council shall meet at least once each academic year at the call of the President as chairman or of the chief administrative officer of the campus as vice-chairman, or upon the written request of 50 members or 20 percent of the membership, whichever is the smaller number. At least five days notice of meeting shall be given. It shall be the prerogative of the President to preside; otherwise, the administrative head of the campus will preside.
- e. **Quorum.** Not less than 25 percent of the membership of the faculty or Faculty Council shall be necessary to constitute a quorum, provided, however, that any faculty or Faculty Council (at a meeting at which a quorum of 25 percent of the members is present) may, by majority vote, establish a higher percentage of the membership as a quorum for future meetings.

1-2.3. THE FACULTIES OF COLLEGES AND SCHOOLS.

- a. **Membership.** The faculty of each college or school not within a college, except the Graduate School, shall consist of all members of the academic staff having the rank of Instructor or higher (or equivalent rank) who are appointed full-time and a part of or all of whose current work is in that particular college or school. As a class, part-time members of the academic staff having the rank of Instructor or higher (or equivalent rank) may be enfranchised to the degree deemed appropriate by the faculty of the college.
- b. **Duties.** The faculty of each college or school not within a college shall define and recommend degree programs for units under its jurisdiction. The faculty shall recommend candidates for degrees to be awarded by the college or school not within a college.
- c. **Meetings.** The dean of each college and the dean or director of each school not within a college shall call a faculty meeting when it seems advisable to do so, provided there be at least one meeting during each semester and summer term. The dean or director shall be required to call a faculty meeting upon the written request of one-fourth of the members of the faculty. At the time the faculty members are notified of a meeting, the chief administrative officer of the campus and the chief academic officer shall receive the same notification.
- d. **Quorum.** Not less than 25 percent of the membership of the faculty of a college or school not within a college shall be necessary to constitute a quorum, provided, however, that such faculty (at a meeting at which a quorum of 25 percent of the members of such faculty is present) may, by majority vote, establish a higher percentage of the membership as a quorum for future meetings.

1-2.4 THE DEPARTMENTAL FACULTY.³

- a. **Membership.** The departmental faculty shall consist of all members of the academic staff of a department having the rank of Instructor or higher (or equivalent rank) who are appointed full-time for at least a one-year period and a part or all of whose work for the current year is in that particular department. As a class, part-time members of the academic staff having the rank of Instructor or higher (or equivalent rank) may be enfranchised to the degree deemed appropriate by the faculty of the department.
- b. **Duties.** The departmental faculty shall have jurisdiction over matters concerning its educational policies insofar as these do not conflict with the policies of other departments, the rules and regulations of its own college or school, the campus, or the University System.

³Including faculties of schools within colleges.

- c. **Meetings.** The Chairman or head of the department shall call a meeting of the departmental faculty when it seems advisable to do so.

1-2.5. THE GRADUATE FACULTY.

- a. **University System Graduate Division Faculty.** The Graduate Faculty of the System shall consist of the graduate faculties of the several campuses. Election to the graduate faculty of one campus shall automatically mean election to the University System Graduate Division Faculty.

The principal officer of the Graduate Faculty of the System shall be the chief academic officer of the System staff, who shall preside over the Executive Graduate Council (Sec. 1-2.6) as its chairman.

- b. **Individual Campus Graduate Faculty.** The Graduate Faculty on each campus shall consist of those members of the teaching, research, and extension faculties who have been so designated by the Chancellor upon the recommendation of the Graduate Council (Sec. 1-2.7) acting upon appropriate nominations. Such designation shall provide for classification of the Graduate Faculty as members or associate members according to their qualifications and experience.
- c. **Voting Powers.** Voting power at faculty meetings is vested in the members on matters of educational policy, and in the members and associate members in recommending candidates for degrees.

1-2.6. THE EXECUTIVE GRADUATE COUNCIL. (See **Bylaws**, Article VII, Section 7.)

1-2.7. THE CAMPUS GRADUATE COUNCIL.

Each campus offering resident graduate work shall have a Graduate Council, which shall be advisory to the Dean of the Graduate School. The Council shall be composed of 10 members of the graduate faculty appointed by the Chancellor. The Dean of the Graduate School shall serve as an ex officio member. The faculty members of the Council shall serve staggered terms of five (5) years each. The Council shall advise the Dean of the Graduate School in the administration of the academic affairs and policies of the Graduate School.

Section 1-3. Administrative Units.

1-3.1. THE ADMINISTRATIVE COUNCIL.

- a. **Membership.** The Administrative Council shall be composed of the principal administrative officers of a campus (as designated by the chief administrative officers); three members of the faculty of tenured rank elected annually for one-year terms by the faculty or a delegated body thereof; and such other persons as may be specifically designated by the chief administrative officer.
- b. **Duties.** The Administrative Council shall advise the Chancellor in the administration of the affairs of that campus.
- c. **Officers.** The Chancellor shall be the chairman of the Administrative Council on his campus, and shall appoint a secretary who shall keep minutes of all meetings and shall maintain a roll of the members of the Administrative Council.

- d. **Time of Meeting.** The Administrative Council of each campus shall meet at the call of the Chancellor. The President may, at his discretion, call upon and preside over any or all of the Administrative Councils of the University System to advise him concerning the affairs of the System.

1-3.2. **COUNCIL OF ACADEMIC DEANS AND DIRECTORS.**

The deans and directors of colleges, or of schools not within colleges, together with other academic officers of equivalent rank, responsible to the chief academic officer, shall constitute the Council of Academic Deans and Directors of a campus, and shall meet at the call of the chief academic officer as chairman. The Council shall advise the chief academic officer in the administration of the academic affairs of the campus.

1-3.3 **THE ATHLETIC COUNCIL.**

- a. **Establishment.** There shall be established an Athletic Council on campuses having organized athletic programs and participation in inter-collegiate competition. Each campus shall formulate a policy regarding the operation of the Athletic Council. This policy shall address membership, terms of office, voting and bylaws, and functions of the Council. This policy shall be in compliance with the rules and regulations of the appropriate athletic oversight organization.
- b. **Approval.** Each campus shall submit its policy concerning the Athletic Council to the President of the LSU System for review and approval as well as any subsequent amendments to this policy.

Section 1-4. The Paul M. Hebert Law Center.

- 1-4.1. The Paul M. Hebert Law Center is designated as a separate major administrative subdivision of the University System whose administrative head shall be its Chancellor.
- 1-4.2. The Paul M. Hebert Law Center, including its Center for Civil Law Studies, shall continue to carry on all of the instructional, research, and public service activities formerly within the jurisdiction of the Louisiana State University Law School and to expand such services to the State of Louisiana as personnel and financial resources permit.
- 1-4.3. The Center for Civil Law Studies, within the Paul M. Hebert Law Center, shall promote and encourage the scientific study of the civil law system in the modern world, its history, structure, principles, and actualities, with a view toward facilitating a better understanding and further development of the private law of the State of Louisiana and other civil law jurisdictions by means of theoretical and practical activities of all kinds, including publications, translations, the sponsorship of faculty and student exchanges and visiting scholars, and the presentation of specialized programs, seminars and lectures.
- 1-4.4. The Louisiana State University Law School shall be continued and recognized as a major unit within the Paul M. Hebert Law Center, charged with the responsibility for conducting the primary educational and degree-granting functions of the Law Center.
- 1-4.5. The faculty of the Paul M. Hebert Law Center shall consist of all present members of the Law Faculty, together with all persons who shall be appointed in the future with the academic rank of Instructor or higher.

CHAPTER II

APPOINTMENTS, PROMOTIONS, AND TENURE

Section 2-1. Classification of Employees, General.

Employees of the System are grouped as follows:

a. **Nonstudent Employees.**

(1) **Academic Employees.**

- (a) **Faculty.** Full-time members of the academic staff on the various campuses with the rank of Instructor or above and equivalent ranks.
- (b) **Other Academic.** Part-time members of the academic staff; members of the academic staff below the rank of Instructor or equivalent; and other personnel with academic responsibilities not holding faculty rank.

(2) **Nonacademic Employees.**

(a) **Unclassified.**

- (i) Administrative officers and professional staff, and positions specifically exempt from the classified service under Article X of the **Constitution** of the State of Louisiana.
- (ii) Other positions exempt from the classified service by special action of the State of Louisiana, Department of Civil Service.

- (b) **Classified.** All employees in positions covered by the provisions of the Civil Service System of the State of Louisiana.

b. **Student Employees.**

- (1) **Graduate Assistants.** Full-time graduate students who are employed part-time for services supportive of the graduate education experience.
- (2) **Students.** Those full-time undergraduate, graduate, and professional students who are employed on a part-time basis on the various campuses of the System and not classified as graduate assistants.
- (3) **Interns, Residents.** These and other such students employed in programs designed to fulfill professional and specialty requirements.

Section 2-2. Personnel Actions, Administrative Officers. The President shall recommend all personnel actions for System administrative officers and chief administrative officers of the several campuses to the Board. The chief administrative officers of the various campuses shall recommend all personnel actions for administrative officers on their respective campuses through the President to the Board.

Section 2-3. Personnel Actions, Nonacademic Staff.

- a. **Unclassified.** The President shall recommend to the Board personnel actions for System employees in unclassified positions, except for those System employees in unclassified positions for which the Board delegates final authority to the President. The chief administrative officers of the various campuses shall recommend to the President for approval by the Board personnel actions for campus employees in unclassified positions, except for those campus employees in unclassified positions for which final authority is delegated to the campus' chief administrative officer.

- b. **Classified.** All personnel actions relating to classified staff shall be recommended by the administrator concerned, through proper channels, to the chief administrative officer or to the administrator delegated final authority in classified personnel matters by the campus' chief administrative officer.

Section 2-4. Terms of Employment, Nonacademic Staff.

- a. **Classified Personnel.** Classified personnel hold their positions according to the terms of their appointment under the provisions of the Civil Service System of Louisiana and the classified procedures of the University System.
- b. **Unclassified Employees.** Unclassified employees hold their positions at the pleasure of the Board, except those in positions for which final authority is delegated to the President in accordance with Section 2-3.a. Services of unclassified employees may be terminated by giving such employees reasonable notice with the approval of the chief administrative officer of the campus and the President. "Reasonable notice" shall be interpreted to mean written notice given at the time the action is instituted by the employee's immediate supervisor and effective after a period of time equivalent in days to the usual payroll period of the employee.

Section 2-5. Personnel Actions, Academic Staff. In all personnel actions related to academic staff the principle of academic freedom shall be recognized. See **Bylaws**, Article VIII, Sections 1 and 5.

All personnel actions relating to faculty and other members of the academic staff shall be initiated by the employee's immediate supervisor after appropriate consultation with faculty, and shall be transmitted through channels to the President, subject to confirmation by the Board. If disagreements cannot be resolved by the chief administrative officer of the campus, the personnel transactions shall be referred to the President for consideration. If there be lack of agreement between the head of the department and the dean of a college or a director, or disagreement with either recommendation on the part of the chief academic officer, the recommendation shall so state.

Section 2-6. Academic Ranks. The following academic ranks shall be recognized.

Instructional and Research Ranks-full-time (1,2,4)	Instructional and Research Ranks - Part-time(5)	Library/Museum(10) Ranks - Full-time	Cooperative Extension Service
Boyd Professor Designated Professorships(3) Professor	Professor, part-time(6) Adjunct Professor(7) Consulting Professor(8)	Librarian Curator	Professor
Associate Professor	Associate Professor, Part-time(6) Adjunct Associate Professor(7)	Associate Librarian Associate Curator	Associate Professor Agent (4)
Assistant Professor	Assistant Professor, Part-time(6) Adjunct Assistant Professor(7)	Assistant Librarian Assistant Curator	Assistant Professor Associate Agent (4)
Instructor	Instructor, Part-time(6)	General Librarian	Instructor Assistant Agent (4)
Associate	Associate, Part-time(6)	Library Associate	Extension Associate
Assistant	Assistant, Part-time(6)		
	Cooperating Teacher(9)		
	Special Lecturer(5)		

FOOTNOTES:

(1) The titles "Visiting Professor," "Visiting Associate Professor," and "Visiting Assistant Professor" are courtesy titles given to holders of visiting full-time appointments at those respective ranks. No changes shall be made in the titles of regular members of the instructional and research staff holding part-time appointments during the summer term. The "Visiting" title may also be used for individuals who are not on leave from another institution but who meet the standards for the rank specified and who are hired for a limited period.

(2) The full-time faculty shall consist of the full-time University faculty and the members of the full-time staff at affiliated hospitals who have academic responsibilities equivalent to the full-time University faculty. The full-time affiliated faculty who are gratis or whose University contribution to salary is less than 25 percent shall be considered as volunteer faculty to the University insofar as employee benefits are concerned. However, if the University contributes 25 percent or more of their total salary, percentage of University contribution should be indicated and employee benefits appropriate to that percentage provided. Full-time faculty in the professions whose primary responsibility is in teaching or service programs associated with coordinating fieldwork and supervising students in the field are to be appointed as Assistant Professor-Professional Practice, Associate Professor-Professional Practice, or Professor-Professional Practice. Full-time affiliated faculty do not acquire tenure.

(3) The title of Professor may be modified to indicate particular distinction as approved by the Board in special instances.

(4) Full-time faculty whose primary responsibility is conducting research and who normally are paid from grant or contract funds are to be appointed as Assistant Professor-Research, Associate Professor-Research, or Professor-Research or Assistant Professor-Extension, Associate Professor-Extension, Professor-Extension. Full-time faculty in the clinical sciences with responsibility to teaching and service programs and who are essential for patient care are to be appointed as Assistant Professor of Clinical (discipline), Associate Professor of Clinical (discipline), or Professor of Clinical (discipline), Extension field faculty employed primarily to conduct educational programs are appointed as Assistant Agent, Associate Agent, and Agent. The faculty in these ranks do not acquire tenure.

Full-time faculty in the professions whose primary responsibility is in teaching or service programs associated with coordinating field work and supervising students in the field are to be appointed as Assistance Professor-Professional Practice, Associate Professor-Professional Practice, or Professor-Professional Practice.

(5) Part-time academic personnel in the Medical Center whose primary role is related to a clinical setting may be designated by the title "Clinical" preceding their academic rank, except department heads, who may be given their appropriate professorial rank without the designation "Clinical".

Part-time academic personnel in the Law Center whose primary role is related to a clinical setting in any internship program or other clinical or skills instructional program which has been or may be established by the Law Center may be designated by the title Adjunct Clinical Instructor, Part-time.

(6) The title 'Special Lecturer' is authorized and limited to part-time appointments without rank designation and is restricted to specialists and professional men and women whose primary occupation is practice of their profession.

(7) The designation "part-time" indicates that the appointee is to serve less than 100 percent basis.

(8) On the recommendation of appropriate campus officers, the ranks of Adjunct Professor, Adjunct Associate Professor, etc., may be conferred upon persons whose primary employment is outside the department. The basis of such recommendation shall be that the System can benefit from the talents, abilities, and experience of persons in various fields as consultants; for the conduct of formal courses, occasional lectures, or seminars; or for other similar activities. Recommendations for such appointments shall be made in the same manner as for other academic ranks. Individuals appointed as Adjunct Professors, Adjunct Associate Professors, or Adjunct Assistant Professors, are ineligible to participate in the University Retirement System or other University-funded employee benefits accorded other academic employees of the System.

(9) A person of exceptional distinction who performs the services of an Adjunct Professor may be designated a Consulting Professor.

(10) The title of Cooperating Teacher is used for off-campus public school teachers who supervise teachers in the teacher training program.

(11) The titles of 'Curator', 'Associate Curator' and 'Assistant Curator' are authorized and limited to those individuals holding full-time appointments on the museum staff. The ranks of Curator, Associate Curator and Assistant Curator shall be equivalent to those of Professor, Associate Professor and Assistant Professor, respectively. The rules and rights of appointment, promotion and tenure shall be the same as for the professorial ranks.

Section 2-7. Tenured and Term Appointment, Academic Staff.

Faculty Ranks. Faculty members and other members of the academic staff of comparable rank, including librarians, may be appointed for a specific term ("term appointment") or indefinitely ("tenured appointment") depending on rank and experience. Appointment or tenure on one campus of the LSU System carries no implication of appointment or tenure on another campus. Academic employees are tenured only with respect to their academic ranks and not with respect to administrative titles or assignments.

Tenure is not a guarantee of lifetime employment, particularly in the face of institutional change or financial exigency. It does assure that the employee will not be dismissed without adequate justification and without due process.

Term employees are appointed for specified periods of time as indicated on the appointment form.

Professors and Associate Professors are tenured and are appointed for an indefinite period of time, except that the initial appointment and subsequent reappointments through not more than five years of total service to the LSU campus involved may be made for a stipulated term. Persons promoted to the rank of Professor or Associate Professor after less than five years of service on the campus may be continued to term appointment through no more than the fifth year. Persons holding a professorial rank (Professor, Associate Professor or Assistant Professor) while being paid by a grant or contract do not acquire tenure through the passage of time but may become tenured only by specific individual recommendation through appropriate channels and approval by the President.

Assistant Professors are appointed for terms no longer than three years. Upon reappointment after seven years of service in rank on a particular campus, Assistant Professors receive tenure. A thorough review will be made during the sixth year of service so that notice of termination may be given if necessary no later than the end of the sixth year of service. Individual campuses have the option of conducting the thorough review prior to the sixth year, provided that appropriate written notification is given to the faculty member. The University may, at its discretion, count prior service on the same campus toward the seven-year evaluation period for an Assistant Professor to achieve indeterminate tenure. The ultimate decision shall be left with the President, to be applied in each individual case for which the respective campus recommends granting indeterminate tenure counting prior service favorably.

Those who rank as Associate or Instructor shall be appointed for a specified term and shall not be considered for indeterminate tenure; provided, however, Associates and Instructors hired for an initial term greater than two years may be terminated at the end of the first year if given notice during the first nine months of that year. Otherwise, the provisions of Section 2-7(1)-(4) shall apply.

Exceptions: The rules pertaining to tenure and term appointments are subject to the following exceptions:

At the Pennington Biomedical Research Center, persons holding the rank of Professor, Associate Professor and Assistant Professor, while being paid by a grant or contract, do not acquire tenure through the passage of time. Upon individual recommendation and approval by the President, such persons at the rank of Professor and Associate Professor may receive rolling tenure, i.e., they may be appointed for terms of 5 years. Faculty with rolling tenure are reviewed annually and reappointments of Associate Professor and of Professor faculty are for 5-year terms. At such annual review, a recommendation not to reappoint the Associate Professor or Professor is with a 5-year terminal appointment. The faculty member will be notified of a decision not to renew the appointment at least 5 years before the end of the appointment. Faculty members with rolling tenure or on terminal appointments may be terminated for cause at any time with due process.

At the Paul M. Hebert Law Center, the rank of Associate Professor may or may not carry with it the status of tenure, depending upon the timing and circumstances of the individual appointment. Individuals receiving an initial three-year appointment as Assistant Professor will be reviewed in their third year for a second three-year appointment for promotion to Associate Professor without tenure. No later than their sixth year, they will be considered for tenure and for promotion to Professor of Law. Typically, successful candidates will both be tenured and promoted to Professor of Law, although there may be cases in which tenure will be granted but the promotion to Professor of Law deferred for later determination. In such cases, they will hold the rank of Associate Professor of Law (with tenure), pending subsequent procedures addressing their promotion to Professor of Law.

At those campuses employing full-time faculty members in the professions (e.g. Education) whose primary responsibility is in teaching or service programs associated with coordinating fieldwork and supervising students in the field, the ranks of Assistant Professor-Professional Practice, Associate Professor-Professional Practice or Professor-Professional Practice may be designated. Individuals with these academic ranks shall not be eligible for tenure and may be enfranchised to the degree deemed appropriate by the faculty unit (system, campus, college, division or department).

Expiration of Appointment. Upon expiration of a term appointment, the employee is a free agent to whom the University System has no obligation. The University System may reappoint the employee to the same or a different position. Non-reappointment carries no implication whatsoever as to the quality of the employee's work, conduct, or professional competence.

When an employee, other than an Associate, is not to be reappointed, written notice to the employee will ordinarily be provided in accordance with the following schedule:

1. Not later than March 1 of the first academic year of service, if the appointment expires at the end of the year; or, if an initial one-year appointment terminates during an academic year, at least three months in advance of its termination.
2. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or if an initial two-year appointment terminates during the academic year, at least six months in advance of its termination.
3. At least 12 months before the expiration of an appointment after two or more years service on that campus.
4. When an Associate is not reappointed, the Associate shall be given written notice of termination no less than ninety (90) days prior to the expiration of the employment contract.

Section 2-8. Terms of Employment - Part-Time Academic Staff. Members of the part-time academic staff on the various campuses shall be given term appointments only, not exceeding one academic or fiscal year.

Section 2-9. Terms of Employment - Academic Staff, General. The foregoing provisions shall not be construed to exclude existing contracts between the System and academic staff on mutually acceptable terms.

Section 2-10. Basis of Pay. System employees may be employees for the academic year, fiscal year, summer term, or other stipulated terms. Employees shall be paid in accordance with procedures established for their employment.

Section 2-11. Regular Appointment. An employee on "regular appointment" or one deemed to be "regular" is defined as (1) an employee whose appointment is for a period of more than 180 calendar days, or (2) one who has been employed for more than 180 consecutive calendar days by successive uninterrupted appointment.

Section 2-12. Holding of Political Office. A full-time employee of the System shall not accept any appointive political office nor seek or hold any elective remunerative political office, without the consent of the President.

Section 2-13. Nepotism.

- a. No member of the immediate family of an agency head shall be employed by that agency.

"Immediate family" as the term relates to a public employee means children, the spouses of the children, brothers, sisters, parents, spouse, and the parents of the spouse.

"Agency" means a department, office, division, agency, commission, board, committee, or other organizational unit of a government entity.

"Agency head" means the chief executive or administrative officer of any agency as defined above or any member of a board or commission who exercises supervision over the agency.

- b. The provisions of this policy shall not prohibit the continued employment of any public employee nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such public employee where a member of the public employee's immediate family becomes the agency head of such public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family becoming the agency head.
- c. Any person serving as an LSU System employee on April 1, 1980, whose employment otherwise would have been in violation of this policy, may continue in such employment and the provisions of this section shall not be construed to hinder, alter, or in any way affect normal promotional advancement in public employment for such employees.
- d. This policy shall apply to all forms of employment; regular full-time employment, regular part-time employment, temporary full-time employment, temporary part-time employment, etc., and will apply to all employees, including student workers.
- e. Exceptions to the restrictions outlined in this policy are not permitted. However, employees of an agency who marry may continue to work in that agency even though one of the employees is the agency head, provided that the supervising spouse avoids participating in transactions in which the subordinate spouse has a substantial economic interest.
- f. Individual campuses may adopt more restrictive provisions to this policy provided that those provisions are approved by the President of the LSU System.

Section 2-14. Boyd Professorships.

- a. **Eligibility.** A faculty member on one of the various campuses of the University System who has attained national or international distinction for outstanding teaching, research, or other creative achievement may be designated a "Boyd Professor." The "Boyd Professorship" shall be regarded as the highest professorial rank awarded by the University. No Professor holding an administrative position of the rank of director or above shall be eligible for designation as a "Boyd Professor."
- b. **Procedure for Nomination.** Nomination of a Professor for designation as a "Boyd Professor" shall originate with a dean or deans (in the case of split appointments) or a director of a school, which is not a college, in which a nominee holds professorial status. The nomination shall be addressed to a review committee through the Chancellor of the campus on which the nominee is a faculty member. The nomination by deans or directors shall be reviewed by a committee comprised of the chief academic officer of the System staff, who shall serve as chair, two **emeriti** members, and three faculty members appointed by the President from throughout the University System.

CHAPTER III

LEAVES

Section 3-1. Sabbatical Leave. Full-time academic employees [Sec. 2-1a(1)] at the rank of Instructor (or equivalent) or above, who have completed six years of service on the campus without having received leave with pay, may petition for sabbatical leave for study and research, the object of which is to enable them to increase their professional efficiency and usefulness to the System. Adequate justification setting forth the plan for each sabbatical leave shall be stated, and report of the accomplishments under each leave granted shall be made promptly upon return from sabbatical leave. Sabbatical leave shall normally be approved for the purpose of seeking a higher degree only under unusual circumstances. Persons employed on a 12-month basis may be granted 12 months' leave with one-half pay or six months' leave with full pay. Persons employed on nine-month basis may be granted nine months' leave with one-half pay or four and one-half months' leave with full pay. The chief administrative officer of each campus shall, after receiving requests from the appropriate academic dean or other administrative head, make recommendations for sabbatical leave through the President to the Board. A member of the academic staff who is granted sabbatical leave shall be required to return to his University duties for at least a year before accepting employment elsewhere. A condition for granting of a sabbatical leave is the potential benefit the University will receive as a result of the sabbatical.

Under unusual circumstances, persons may accept employment during sabbatical leave if such employment is approved in advance by the chief administrative officer of the campus, and the President as supportive of the purposes of the leave.

Section 3-2. Leave to Obtain Advanced Degree. Members of the instructional, research, and extension staff on full-time regular academic appointment, who have completed two consecutive years of service at the rank of Instructor (or equivalent) or above, may petition for a leave of absence with part pay for not more than one year of study which will culminate in the receipt of an advanced degree. Such petition shall set forth the course of study to be pursued, the institution to be attended, an account of the petitioner's prospect for securing an advanced degree, and such other information as may be required. The petition shall be granted only after the chief administrative officer of the campus and the appropriate academic dean or administrative officer have determined that the interests of the System will be best served by granting such leave and that the petitioner will return to his University duties for at least two years before accepting employment elsewhere. Leaves to obtain advanced degrees will be granted by the Board upon recommendations through the President from the chief administrative officers of the various campuses. The amount of pay to be allowed under such a grant shall be determined in each individual case, but in no event shall it exceed one-half of the regular salary which would accrue to the petitioner during the period of leave.⁴ If the petitioner, upon taking educational leave, does not return to the University for the required two years, the petitioner shall pay back to the University the amount paid to the petitioner for the leave. The period of service completed prior to granting of leave under this section shall not be counted in considering eligibility for sabbatical leave.

Section 3-3. Annual Leave and Sick Leave.

- a. **Annual Leave.** Annual leave is leave with pay granted an employee for the purpose of rehabilitation, restoration, and maintenance of work efficiency, or the transaction of personal affairs.
- b. **Sick Leave.** Sick leave is leave with pay granted an employee who is suffering with a disability which prevents him from performing his usual duties and responsibilities or who requires medical, dental, or optical consultation or treatment.

⁴For the academic-year employee, the term "regular" refers to the salary of the academic year, without presumption of summer term appointment.

- c. **Academic and Unclassified Employees.** Regular full-time and part-time members of the academic staff on fiscal appointment and regular unclassified employees are entitled to annual leave. Regular full-time and part-time members of the academic staff on fiscal- or academic-year appointment and regular unclassified employees are entitled to sick leave. The amount of accumulation and other provisions concerning annual leave and sick leave shall be in accordance with regulations or policies approved by the Board, appropriate State statutes, or policies applicable to the System, with such provisions to be issued by memorandum from the President.
- d. **Classified Personnel.** Annual leave and sick leave of classified personnel shall be governed by the Civil Service Regulations.
- e. **LSU Laboratory School Faculty.** Members of the LSU Laboratory School Faculty on academic year appointments teaching grades K-12 may, during each fiscal year designate no more than two days of earned sick leave to be used as personal or annual leave and may be used in accordance with the definition of such leave as listed above. Personal or annual leave for LSU Laboratory School Faculty may not be accumulated from one fiscal year to the next.

Section 3-4. Civil, Emergency, and Special Leave. An employee shall be given time off without loss of pay, annual leave, or sick leave under such conditions as outlined:

- a. **Academic and Unclassified Employees** - as provided in policy memorandum from the President.
- b. **Civil Service Employees** - as provided in Civil Service Regulations.

Section 3-5. Military Leave. An employee of this System who is ordered to duty with troops or at field exercises or for instruction with any branch of the Armed Forces (including the National Guard) for periods not to exceed fifteen (15) working days in any one calendar year is entitled to leave of absence from duties without loss of pay, time, annual leave, or efficiency rating, and when relieved from duty shall be restored to the position held when ordered to duty. Any portion of a military leave in excess of fifteen (15) working days during a calendar year shall be leave without pay, unless chargeable against accrued vacation with pay.

Section 3-6. Leave of Absence Without Pay.

- a. **Academic and Unclassified Administrative Officers and Professional Staff.** Leaves of absence without pay may be granted for good cause. Leaves of absence for a period of one academic year or more or one fiscal year or more, whichever is applicable, shall receive the approval of the Board. During leaves of absence without pay no allowance for sick leave or vacation shall accumulate. For academic employees, the period of absence without pay may, upon appropriate administrative recommendation, be credited toward tenure.
- b. **Classified and Unclassified Employees Exempt from the Classified Service by Special Action of the State of Louisiana, Department of Civil Service.** Leaves of absence without pay may be granted in accordance with Civil Service regulations.

Section 3-7. Report of Absences. Academic and Nonacademic employees shall not absent themselves from their duties without proper authorization.

Report of absence for academic and unclassified employees shall be governed by administrative regulations of the Office of the President. Report of absence for classified employees shall be governed by Civil Service Regulations.

CHAPTER IV

INSURANCE AND RETIREMENT

Section 4-1. Group Insurance Program. System employees, including retirees, may participate in the State of Louisiana Employees' Uniform Group Insurance Program in accordance with the rules and regulations established for that program. The University will pay the appropriate employer portion of the cost of its employees who elect to participate in this program.

Section 4-2. Other Group Insurance or Benefit Programs. The University System may make available to employees, through payroll deduction procedures or otherwise, other types of group coverage or benefit programs that are considered to be of particular interest and benefit to its employees. The inauguration of any such plan will be made only upon approval of the President, and no contribution will be made toward the cost of such additional programs without the approval of the Board.

Section 4-3. Retirement Plans. All Non-student regular employees of the University System will be members of one of the following retirement plans, unless ineligible by provisions of the retirement system.

- a. **LSU Retirement System.** The LSU Retirement System as provided by L.R.S. 17:1611, et seq. was abolished effective January 1, 1979, by the provisions of Act 643 of the 1978 Louisiana Legislature. Members of the LSU Retirement System on December 31, 1978, continuing in employment were required under the provisions of Act 643 of 1978 to become members of either the Teachers' Retirement System of Louisiana or the Louisiana State Employees' Retirement System.
- b. **LSU Retirement Plan.** Employees who were members of this plan on December 31, 1978, except certain employees referred to in d. below, were required to become members of either the Teachers' Retirement System of Louisiana or the Louisiana State Employees' Retirement System effective January 1, 1979. Provisions for benefits from this plan are contained in "LSU Retirement Plan" authorized by the Board.
- c. **Teachers' Retirement System of Louisiana and the Louisiana State Employees' Retirement System.** Persons becoming employed by any unit of the LSU System on or after January 1, 1979, shall as a condition of employment, if eligible, become a member of either the Teachers' Retirement System of Louisiana or the Louisiana State Employees' Retirement System.
- d. **United States Civil Service Retirement System.** Personnel of the Cooperative Extension Service who are required to become members of the United States Civil Service Retirement System shall be members of that system. Such personnel whose date of employment was prior to December 15, 1950 (and who were employees of the Cooperative Extension Service on that date) shall also be members of the LSU Retirement Plan, notwithstanding their membership in the United States Civil Service Retirement System. Such personnel whose date of employment was subsequent to December 14, 1950, may be entitled to supplemental benefits from the Teachers' Retirement System of Louisiana in accordance with the provisions of that system.

Section 4-4. Conditions of Retirement.

- a. Eligibility for retirement will be in accordance with the provisions of the respective retirement system.
- b. No employee of the University System shall be separated from public service by his appointing authority because of the employee having attained any particular age following employment by the appointing authority.

Section 45. Emeritus Ranks. Upon recommendation by the appropriate campus, the title Professor Emeritus shall be conferred upon all persons who upon retirement have attained the title of Professor and who have been in the service of the University for a period of at least ten (10) years. The said title may also be conferred, upon recommendation of the appropriate campus, at the discretion of the Board of Supervisors upon a person who upon retirement has attained the title of Professor even though the period of service is less than ten (10) years, if it is determined that the person has made outstanding contributions to the University in either the field of scholarship or public service.

Any person who has held the position of academic dean, director, or department head for a period of ten (10) years may be retired with the title Dean, Director, or Department Head Emeritus. Where applicable to other positions within the University, an Emeritus title may be conferred upon the recommendation of the President in appropriate cases.

CHAPTER V

FINANCIAL AND BUSINESS PROCEDURES

Section 5-1. Budget. The annual operating budget of the University System represents a primary instrument of fiscal control. It provides a firm estimate of resource availability and specifies the manner in which available revenues shall be allocated for effective support of goals and objectives. The general plan of the budgetary requests by the University System for the ensuing fiscal year shall be presented to the Board for final approval prior to presentation to the appropriate state agencies.

Following passage of the appropriation acts by the Legislature and approval by the Governor, the President shall submit a revised budgetary plan to the Board for approval, recommending those changes which are occasioned by legislative action.

After approval of such budgetary plan by the Board, a detailed budget shall be prepared in accordance therewith and distributed to the Board. The execution of the detailed budget shall be exercised by the President through the Chancellor concerned.

Section 5-2. Internal Budgetary Control. General policies for internal budgetary controls shall be established by the President. No obligation shall be entered into except on the authority of a general or specific budget approved by the Board. All appropriations shall lapse at the end of the fiscal year, June 30, unless otherwise especially provided by State statutes and/or the Board.

Adjustments within an approved budget entailing transfers between the principal categories (e.g., personal services, supplies and expenses, travel, and capital outlay; between income accounts only) of departmental budgets shall be made in accordance with policies established by the President. Budget adjustments entailing an overall increase or decrease in the total of the general University budgets and allocations from or additions to general University reserve accounts (restricted fund accounts, revolving funds, or gifts and grants-in-aid excepted) shall be made only on the authority of the President. All budget adjustments of restricted fund accounts, revolving funds, and gifts and grants-in-aid shall be in accordance with general policies established by the President.⁵

Section 5-3. Audit. Continuous audit shall be conducted of the transactions and records of all employees for the receipt and disbursements of funds; for the sale or purchase of materials, services, and property; for the keeping of accounts; and for the custody of property.

The Internal Auditor, under the direction and control of the chief business officer of the System Staff, shall review the business activities of the University System and shall assess the effectiveness of its records and insure appropriate accountability of University System resources.

Section 5-4. Execution of University System Contracts. All University System contracts shall be executed as follows:

- a. Contracts involving the purchase or sale of land, mineral rights, and other immovables; those involving significant University System policy; and major construction contracts shall be signed by the President only after approval of the Board or a specifically designated committee thereof.

⁵A summary of all budget adjustments, except those relating to restricted fund accounts, increasing or decreasing expenditure authorizations by allocation from or to the University Reserve accounts, or by changes in income accounts, affecting overall budgetary totals, shall be completely and regularly reported to the Board.

- b. All other contracts may be executed on the authority of an official of the University System or of its various campuses as designated by the President unless directed to be otherwise executed by the Board or a specifically designated committee thereof.

Section 5-5. Purchasing. No purchasing or contracting for goods and contractual services may be made except through specifically designated purchasing officials of the University System.

Except as otherwise provided by state statutes, purchases of less than \$1000 shall be made after the receipt of quotations representative of the reasonably available suppliers. Purchasing or contracting for competitive items in an amount of \$1000 or more shall be secured by sealed bids.

All bids totaling \$100,000 or more shall be opened by the authorized purchasing officials in the presence of the President or the President's designated representative.

Section 5-6. Travel. Travel at University System expense shall be made within the purposes for which funds are allotted and with the approval of the head of the department and the individual shall be reimbursed in accordance with University travel regulations, as prescribed by the President.

Section 5-7. Entertainment and Expenses of Visitors and Guests of the University System. Visitors and guests shall be reimbursed for costs of transportation only when such visitors and guests have rendered a definite service to the University System. Costs of entertainment of visitors and guests shall be drawn only from funds designated by the Board for such purposes.

Exception to this rule may be granted by the President or appropriate official designated by the President when entertainment and expenses are paid from restricted funds provided for such purposes.

Section 5-8. Custody and Control of University System Property. No one shall use for his or her own benefit or for any other personal purposes any University System property of whatever description; and no one shall be permitted to remove from the buildings or grounds any property belonging to the University System, unless approved by the President or appropriate official designated by the President.

Section 5-9. Use of University System Vehicles. All transportation equipment of the University System shall be used only on official business and shall be operated only by employees of the University System and others authorized by the President.

Section 5-10. Use of University System Facilities. The facilities and premises of the University System are for use in accomplishing its educational objectives and programs. The Board shall establish general policy under which permission shall be granted for the use of System facilities by departments and divisions of the University System, recognized campus groups, or non-University affiliated organizations. The administrative head of each campus shall prepare and file with the Office of the Board of Supervisors such detailed procedures as deemed desirable and necessary for compliance with the established general policy.

Section 5-11. Sale of Goods or Services and Operation of Business Enterprises. No department or agency of the System shall make sale of goods or services for cash or on account, other than those of a nature recurring for the activity, or operate a business enterprise without the approval of the President or appropriate official designated by the President.

PROCEDURES FOR HANDLING COMPLAINTS OF UNREASONABLE COMPETITION FROM COLLEGES AND UNIVERSITIES:

The following procedures are intended to meet the letter and spirit of Senate Concurrent Resolution 125 of the 1985 Regular Session of the Louisiana Legislature:

1. Private business or industry complaints of unreasonable competition from a public college or university under the jurisdiction of this Board shall be submitted in writing to the campus head whose college/school/department/personnel/activity is allegedly competing unreasonably with the private entity. The campus head shall forward a copy of any complaint to the System President or executive director who shall then inform the Board members of the complaint. If, however, the complaint is initially given to the System President, executive director, or a Board member, the complaint shall be transmitted to the appropriate campus head to initiate the process.
2. The complaint shall contain specific incidents complained of with all particulars thereto. If documentation evidencing the alleged unreasonable competition is available, it shall be attached to the complaint.
3. The campus head shall communicate with the person or persons filing the complaint and with the personnel against whom the complaint is made. If the complaint is resolved to the mutual satisfaction of the campus head and the complainant, the campus head shall notify the System chief executive officer of the means and terms of the resolution. If the complaint cannot be resolved, within 45 days of receipt, to the mutual satisfaction of the campus head and complainant, the campus head shall submit the matter in the form of a report to the System President or executive director. The 45-day period may be extended by mutual consent of the campus head and the complainant.
4. In the event that the campus head is unable to resolve the matter, the President or executive director shall communicate with all parties. If the complaint is resolved to the mutual satisfaction of the System chief executive officer and the complainant, the System chief executive officer shall notify the campus head and the Board of the means and terms of the resolution. If the complaint is not resolved, within 30 days, to the mutual satisfaction of the President or executive director and the complainant, the System chief executive officer shall submit the complaint, his report, and the campus head's report, to the appropriate committee of the Board. The 30-day period may be extended by mutual consent of the System chief executive officer and the complainant.
5. For any complaint submitted to the appropriate committee of the Board through the proper channels, the committee shall afford representatives of the complainant and the institution the opportunity for a public hearing in which they may present their complaints and explanations. The President or executive director shall officially notify all parties of said hearing at least 30 days in advance. The hearing shall be held within 60 days of the committee's receipt of the System chief executive officer's report.
6. At the conclusion of the hearing, if there is no need for further investigation, the appropriate committee of the Board shall make a determination as to the validity of the complaint. Each case shall be decided on its merits. The committee shall issue within 60 days after the hearing a report containing its findings and recommendations. The report shall be subject to full Board approval.
7. The Board shall issue a final report within 45 days of the committee's action.
8. The Committee report and the final report of the full Board shall be transmitted to the complainant immediately upon issuance, with a copy forwarded to the Board of Regents for informational purposes only. Additionally, a copy of each campus or System head's report on the resolution of a complaint shall be forwarded to the Board of Regents for informational purposes only.

Section 5-12. General. Student religious centers located on a campus of the University System may be furnished heat, electricity, water, and gas, all at the expense of the campus, when they can conveniently be supplied by the campus utility distribution systems. This policy shall not apply to utilities required for air-conditioning and similar services.

Fraternity and sorority houses located on a campus may be furnished heat, light, water, and gas at cost by the campus, and when minor repair work is performed, it shall be furnished at cost.

Self-supporting auxiliary enterprises (designated as Restricted Fund Accounts) shall be charged with the cost of all utilities, equipment, repairs, and alterations to buildings incident to their operations.

Section 5-13. Financial Exigency. Anything in the Regulations of the Board of Supervisors to the contrary notwithstanding, if the Board of Supervisors finds that a condition of Financial Exigency exists at an institution, within an academic or other unit of an institution, or in the LSU System generally, then the furlough, layoff, or termination of tenured faculty, non-tenured faculty or other contract employees before the end of their contract term will be handled in accordance with the Financial Exigency policy set forth below. As used herein, the term "unit" means any identifiable component of the LSU System at any level of its organization which has an annual budget for the operation of such component.

- a. **Definition of Financial Exigency.** A condition of financial exigency shall exist whenever the financial resources of a campus are not sufficient to support the existing programs and personnel of the campus without substantial impairment of the ability of the campus to maintain the quality of its programs and services. Financial exigency may result from a reduction in financial resources or from the failure to receive increases in financial resources sufficient to maintain quality. Evidence of financial exigency may include, among other factors, reduction of state appropriations, faculty and staff salary levels substantially below national and regional averages, significant loss of personnel or inability to attract new personnel apparently due to inadequate salary and other support, and substantial threat of deterioration of facilities due to lack of resources for maintenance.
- b. **Board of Supervisors Action.** The Board of Supervisors, in the exercise of fiscal responsibility, may decide to declare financial exigency with respect to the System as a whole, to one or more institutions of the System, or to any unit or program within an institution. Reasonable efforts shall be made to insure that students affected will be allowed to complete their programs, within the limits of budgetary restraints, at the institution or by transfer to another institution.

A declaration of financial exigency shall represent a determination by the Board of Supervisors, upon recommendation of the Chancellor and President, that the financial condition of a unit, institution or system has reached a crisis in which the entity must carefully re-examine its priorities and reduce programs or personnel or both to effect a cost savings sufficient to alleviate the financial exigency.

The determination of financial exigency affecting the System or any institution or within an academic or other unit of an institution shall be the sole responsibility of the Board of Supervisors, but the Chancellor of an institution, after consultation with representative faculty members and approval by the President, may request such a determination by the Board. A request for the declaration of a financial exigency at any level before the institution level must originate at the institution. When such determinations are made, this policy, along with any implementing procedures, will take precedence over those applicable Board policies which govern normal operating procedures.

Implementation of a declaration by the Board of Supervisors of financial exigency shall be developed with the understanding that action taken will be consistent with the basic mission of the System to provide the best possible education, research and public service.

- c. **Implementation of Declaration of Financial Exigency.** Upon a declaration of financial exigency by the Board of Supervisors, the Chancellor at each institution, after consultation with faculty and staff, and approval by the President, shall determine whether furloughs, layoffs or terminations are required and which employees will be affected. This determination shall be made in accordance with procedures established by the President, which will give primary consideration to the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the institution.

Faculty and other employees under contract who are furloughed, laid off, or terminated before the end of their contract terms for reasons of financial exigency shall, whenever possible, be notified at least ninety (90) days in advance of the date of the furlough, layoff, or termination. The notice of furlough, layoff, or termination shall be delivered personally or by certified mail, with return receipt requested. Notice shall be complete upon delivery or mailing. This notice shall include, in writing, a statement of the conditions requiring furlough, layoff, or termination, a general description of procedures followed in making the decision and a statement of the employee's right to respond orally and in writing to a designated official or committee of the institution and to review by the Chancellor within the time specified in the notice as to the reasons for the furlough, layoff, or termination. The employee(s) shall also have the right, upon written request within twenty (20) days from the date of notification of the final decision of the Chancellor, to apply in writing to the Office of the LSU System President for a review of the decision.

The term "furlough" as used in this policy, is defined as temporary leave without pay for any employee, including tenured faculty members or non-tenured faculty or other contracted employees, before the end of their contract term. The term "layoff," as used in this policy, is defined as the temporary dismissal of any employee, including tenured faculty members or non-tenured faculty or other contracted employees, before the end of their contract term. Layoffs may lead to eventual termination. Layoffs or terminations may occur within an academic unit or other unit of an institution without a net loss of faculty members or other personnel at the institution; that is, layoffs or terminations in some academic or other units may occur with simultaneous authorization of new positions for different duties in academic or other units, depending upon the needs of such units.

- d. **Approval Required.** Anything in the regulations of the LSU Board of Supervisors to the contrary notwithstanding, if the Board of Supervisors declares financial exigency, either at an institution, within an academic or other unit of an institution, or in the System, as provided in section (b) above, program modifications or discontinuances recommended by the institution and approved by the President must be approved by the Board of Supervisors. With respect to the implementation of such program modifications or discontinuances upon a declaration of financial exigency, decisions with respect to furlough, layoff, or termination of any tenured faculty, non-tenured faculty, or other contract employee before the end of their contract term must be approved by the Chancellor and the President, and the decisions are final upon approval of the President. Review of such decisions by the Board of Supervisors is at its sole discretion.
- e. **Termination of Financial Exigency.** Financial Exigency shall terminate at the end of the fiscal year in which it was declared.

CHAPTER VI

GIFTS AND GRANTS

Section 6-1. Conditions of Acceptance. The Board stands ready to receive in the name of the University System:

- a. Memorials, such as buildings, laboratories, or other facilities, to be placed on the campus either for beautification or for practical service and memorials in land which extend the boundaries of the campuses or other facilities.
- b. Gifts for instruction or research.
- c. Gifts for scholarships, fellowships, or student loan funds.
- d. Other gifts for special purposes (e.g., library) which will enrich the life of the University System and its students.

However, the Board shall be the final authority in the determination as to whether the freedom and functions of the University System and its responsibilities to the public are curtailed by the terms of any gifts.

Instruction and research are so inseparable and essential to the highest efficiency of a university that the University System looks with favor upon acceptable proposals for research and related contracts with State and Federal agencies and with private individuals and corporations.

Section 6-2. Commercial Testing. When the gift or grant proposed by a private individual or corporation for research or other educational function has a direct bearing upon the business of the donor, or is a routine job deemed to be without educational or research value, then it becomes essential that the proposal be considered in the light of the public interest, the relationship to the efficiency of, and the probable cost to the University System.

In determining whether to undertake for an individual or private concern commercial testing or special research having a direct bearing upon the business of the individual or corporation, the System will give special consideration to the following:

- a. Whether the problem has industry-wide implications;
- b. Whether the problem will contribute to the professional development of its faculty and students;
- c. Whether the problem will interfere in any material way with the obligations and responsibilities of the System;
- d. Whether the donor is willing to grant full publication rights after termination of each research phase of the problem.

Section 6-3. Payment for Indirect Costs. When the University System undertakes such cooperative research, the extent of indirect cost to be assessed for use of facilities shall depend upon the extent that the System determines its instructional and research programs are enriched or its responsibilities to the people are fulfilled by acceptance of the gift.

The System makes a distinction between grants which are made by established federal agencies and foundations, in support of research which has been proposed by one or more faculty members, and for which money is received essentially as a grant-in-aid, on the one hand, and payments for contract research on the other, in which the direction taken by research is determined by the desires of outside persons or agencies.

Section 6-4. Protection of Public Interest. In general, all results of experimental work, including patentable discoveries, carried on by or under the direction of the faculty of the System belong to the System and to the public and shall be used and controlled to produce the greatest benefit to the public. If patentable discoveries grow out of the investigation and such discoveries have commercial value, the grantor shall receive preferential consideration as a prospective licensee with a view to compensating in part the grantor for the assistance rendered in the investigations.

Grants may be received on the condition that rights to patentable discoveries will be in the name of grantor but only when the acceptance of the gift has advantages to the University System and to the people of the State of Louisiana which outweigh the rights thus relinquished.

Section 6-5. Use of Name of the University System. In no event shall gifts and grants be received with the understanding that the name of the University System or any of its components may be used in any advertisement without the express written permission of the System.

Section 6-6. Use of System Facilities for Private Gain. It shall be understood that no member of the faculty or staff may use System facilities in conducting research for private gain.

CHAPTER VII

INTELLECTUAL PROPERTY

Section 7-1. General Policy. LSU encourages and expects its personnel to engage in creative, scholarly activities as part of their duties. All LSU personnel are required to bring to the attention of an appropriate LSU officer, at an early date, any discoveries, inventions, and works potentially subject to legal protection under patent, copyright, or other law. The inventor, the inventor's department, and the inventor's campus gain prestige, and in some cases financial benefits from commercializing an invention or discovery. Such commercialization is consistent with, and complementary to, LSU's academic mission.

Section 7-2. Definitions.

- a. **"LSU Invention"** shall mean an invention or discovery that is either conceived or first reduced to practice, in whole or in part, during activities that are: **(1)** carried on by, or under the direction of, LSU personnel, regardless of when or where conception or reduction to practice occurs; or **(2)** supported by funds under the control of LSU; or **(3)** conceived, created, designed, developed, or conducted with the use of LSU facilities, equipment, or supplies. The term **"LSU Invention"** shall also include any patent application or issued patent containing at least one claim reading on such an invention or discovery. As a limited exception, the following shall not be considered an **"LSU Invention"**: an invention or discovery that is wholly conceived and wholly first actually reduced to practice during activities that satisfy each of the following four conditions: **(1)** the activities occur during the personal, off-duty time of all involved LSU personnel; and **(2)** the activities are not supported by funds under the control of LSU; and **(3)** the activities are not performed with the use of LSU facilities, equipment, or supplies; and **(4)** the activities are unrelated to any current or past field or area of expertise, responsibility, or employment of any involved LSU personnel.
- b. **"LSU Work"** shall mean any original work of authorship that is fixed in any tangible medium of expression, and that is created or produced during an activity that is supported by LSU, in whole or in part. The term **"LSU Work"** shall also include any copyright or other legal rights derived from such a work. The support by LSU may, for example, take the form of financial support, use of facilities, use of supplies, payment of salary, the consideration provided in a particular contract, or otherwise. **"LSU Work"** shall not, however, include any work deemed to be LSU Software.
- c. **"LSU Software"** shall mean any software created or developed, in whole or in part, during activities that are: **(1)** carried on by, or under the direction of, LSU personnel, regardless of when or where the creation or development occurs; or **(2)** supported by funds under the control of LSU; or **(3)** conceived, created, designed, developed, or conducted with the use of LSU facilities, equipment, or supplies. The term **"LSU Software"** shall also include any source code pertaining to such software; any copyright derived from such software; any patent application or issued patent containing at least one claim reading on such software, or having at least one claim reading on a process or apparatus incorporating such software; and any other legal rights derived from such software.
- d. **"LSU Digital Media"** is a collective term that encompasses all LSU Software, as well as some LSU Works. All LSU Software is considered **"LSU Digital Media."** An LSU Work is considered **"LSU Digital Media"** if it is fixed in a tangible digital medium (including, by way of example, a magnetic tape, a floppy disk, a hard disk, a compact disk, a digital video disk/digital versatile disk/DVD, or an Internet website) that is intended to be used by third parties in digital form or that is intended to be distributed in digital form to third parties for consideration. An LSU Work that is transmitted to a publisher in digital form at the request of the publisher or for the convenience of the author or publisher, but that will not be distributed by the publisher to third parties in digital form (e.g., a conventional printed book whose text is prepared on a word processor) is not considered **"LSU Digital Media."** However, any digital media that otherwise satisfies the above definition, and that is intended to be distributed to third parties with a printed book (for example, a

compact disk read-only-memory packaged with a book) is considered "**LSU Digital Media.**" An LSU Work that is published electronically as part of a peer-reviewed scholarly journal on the Internet shall not be considered "**LSU Digital Media.**" Some "**LSU Digital Media**" will be treated as LSU Works, and some "**LSU Digital Media**" will be treated as LSU Software, as provided in greater detail in Section 7-4(b).

- e. "**Course Materials**" shall mean any copyrights in underlying educational materials or course content used in the *bona fide* teaching or instruction of a regularly scheduled course for credit offered by LSU, to the extent that an author of those materials, himself or herself, uses those materials in teaching the course; including portions, subsets, drafts, revisions, updates, versions, and instructional components of such materials; whether printed, digital, Internet based, CD/DVD-based, audio- or video-based, or otherwise. "**Course Materials**" may include copyrights in items that would otherwise constitute LSU Works, LSU Software, or LSU Digital Media. "**Course Materials**" shall not, however, include rights in any patent, patent application, LSU Database, LSU Mark, or LSU Invention. "**Course Materials**" shall not include any rights that are derived from a co-author who is not also directly involved in the teaching or instruction of a regularly scheduled course for credit at LSU using those materials.
- f. "**LSU Database**" shall mean a digital database that has commercial value, or that reasonably may be considered to have potential commercial value, regardless of whether the database is the subject of copyright, where the database is created or developed, in whole or in part, during activities that are: **(1)** carried on by, or under the direction of, LSU personnel, regardless of when or where the creation or development occurs; or **(2)** supported by funds under the control of LSU; or **(3)** conceived, created, designed, developed, or conducted with the use of LSU facilities, equipment, or supplies. The term "**LSU Database**" shall also include any source code pertaining to such database; any copyright derived from such database; any patent application or issued patent containing at least one claim reading on such database, or having at least one claim reading on a process or apparatus incorporating such database; and any other legal rights derived from such database, including by way of example any statutory legal protection for a database, whether the statute is enacted before or after the provisions of these *Bylaws* concerning LSU Databases take effect.
- g. "**LSU Mark**" shall mean any trade name, trademark, service mark, design, or trade dress: **(1)** that is associated with LSU, or with any campus or other part of LSU; or **(2)** that is created or produced during an activity that is supported by LSU, in whole or in part; or **(3)** that is created or produced by LSU personnel, and that is associated with any other LSU Intellectual Property. The term "LSU Mark" shall also include any goodwill associated with any such mark, and any registrations or other legal rights derived from such a mark.
- h. "**Other LSU Intellectual Property**" shall mean any intellectual property, other than an LSU Invention, LSU Work, LSU Software, LSU Digital Media, LSU Database, or LSU Mark, where the events giving rise to the creation of that intellectual property are supported by LSU in whole or in part. By way of illustration only, such "**Other LSU Intellectual Property**" may include plant variety protection applications or certificates; semiconductor mask works; trade secrets; know how; and tangible research property (e.g., semiconductor chips, software, biological organisms, prototypes, drawings, original research records, notebooks, data, and other corporeal property that can be physically or electronically distributed). In interpreting this paragraph, the principles of paragraphs (a) through (d), and (f) above shall apply by analogy where appropriate.
- i. "**LSU Intellectual Property**" shall mean, collectively, any LSU Invention, LSU Work, LSU Software, LSU Digital Media, LSU Database, LSU Mark, or Other LSU Intellectual Property.
- j. "**Distributable Royalties**" shall mean any money, corporate stock or other equity in a business organization, or other property actually received by and in the control of LSU under an authorized contract granting any rights in any LSU Invention, LSU Work, LSU Software, LSU Database, LSU Digital Media, or Other LSU Intellectual Property. However, consideration received by LSU in

reimbursement of or allocated for past, present, or future attorneys fees or other legal expenses associated with LSU Intellectual Property shall not be included as part of "**Distributable Royalties.**" No expenses other than reimbursed attorney's fees and legal expenses shall be deducted in calculating "**Distributable Royalties.**" "**Distributable Royalties**" shall not include any consideration deemed a Research Grant or deemed Litigation Proceeds; nor shall "**Distributable Royalties**" include any amounts received by LSU that are attributable to an LSU Mark. Furthermore, no activity conducted by LSU for educational, research, or non-commercial purposes shall be deemed to give rise to "**Distributable Royalties.**"

- k. "**Research Grant**" shall mean (for purposes of this Chapter VII of the *Bylaws*) any consideration received by LSU under an authorized sponsored research contract that, along with any other provisions, grants another party any rights in any LSU Intellectual Property, where LSU's disposition of that consideration is restricted by that contract to use for conducting research. A "**Research Grant**" shall not be considered Distributable Royalties.
- l. "**Litigation Proceeds**" shall mean any money or other property received by LSU as a result of any resolution of a dispute over another's use, infringement, or licensing of any LSU Intellectual Property, whether received by way of judgment, arbitration, or settlement -- and in the case of a settlement, regardless of whether any arbitration or lawsuit has been instituted. "**Litigation Proceeds**" shall not be considered Distributable Royalties.
- m. "**LSU**" or "**University**" shall mean the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, including all of its campuses, centers, institutions, facilities, and other property.
- n. "**LSU personnel**" shall mean all LSU Supervisors, Officers, Faculty, Staff, Research Associates, Postdoctoral Fellows, Instructors, Graduate Students, and other employees of LSU, whether part-time or full-time. "**LSU personnel**" shall include, for example: **(1)** faculty or other LSU personnel who are on nine-month appointments, who shall be considered "**LSU personnel**" throughout the calendar year for purposes of this Chapter VII of the *Bylaws*, **(2)** visiting faculty, and **(3)** adjunct faculty, emeritus faculty, and LSU undergraduate and professional students employed by LSU when those persons act within the course and scope of their employment by LSU. "**LSU personnel**" shall not include adjunct faculty and LSU undergraduate and professional students when those individuals are not acting as employees of LSU.
- o. "**Chancellor**" shall be construed also to include the Executive Director of the Pennington Biomedical Research Center.

Section 7-3. Disposition of LSU Intellectual Property.

- a. LSU holds all right, title, and interest to all LSU Intellectual Property in all countries. LSU personnel shall execute any formal assignments to LSU of all right, title, and interest to any LSU Intellectual Property, and shall execute such other documents and perform such other lawful acts (at no out-of-pocket expense to the LSU personnel) as may be requested by LSU fully to secure LSU's interest in LSU Intellectual Property.
- b. **(1)** In exceptional circumstances, LSU may waive its rights to certain items that would otherwise be LSU Intellectual Property, in favor of an outside employer of one or more LSU personnel, if LSU expressly approves in writing a valid consulting agreement between that employer and the LSU personnel, and if the consulting agreement expressly states in writing that such items shall become the property of that employer, and if the consulting agreement and all activities conducted under the consulting agreement are in full compliance with the Code of Governmental Ethics and all pertinent rules and regulations of LSU. Such waivers will not ordinarily be permitted; and will only be granted, in LSU's discretion, upon a showing of exceptional circumstances.

- (2) LSU will ordinarily grant to a non-governmental sponsor of funded research at LSU an exclusive right, for a limited period of time, to negotiate with LSU for a royalty-bearing license under inventions that may result from the funded research, under mutually agreeable terms. Royalty rates or other consideration to be paid for a licensed invention will not ordinarily be determined before the invention has been made, except where justified in light of exceptional circumstances. On request, a sponsor of funded research will ordinarily be granted a limited right, free of additional charge, to reproduce copies of research reports and scholarly papers resulting from the funded research, this right being limited to reproduction of copies for the sponsor's internal use or for filing with governmental regulatory agencies.
 - (3) A purported assignment, transfer, license, assertion of ownership, or other disposition of LSU Intellectual Property by the inventor(s) or author(s), without the prior written approval of an authorized LSU official, is void and will not be recognized by LSU -- including, by way of example and not limitation, any such purported assignment or other disposition in a consulting agreement, research agreement, material transfer agreement, or confidentiality agreement.
- c. (1) As owner of LSU Intellectual Property, LSU may manage, license, patent, register, sell, abandon, or otherwise dispose of any LSU Intellectual Property as LSU in its discretion sees fit, including but not limited to all decisions concerning potential financial benefits to be derived from any LSU Intellectual Property.
 - (2) If LSU elects not to pursue or maintain any item within LSU Intellectual Property, then on written request from the affected inventor(s) or author(s), in LSU's discretion LSU may, with any required concurrence from a research sponsor, by written agreement with the respective inventor(s) or author(s), assign that item to the inventor(s) or author(s), subject to such conditions as the parties find mutually agreeable.
- d. Nothing in this Chapter shall be construed to prohibit or restrict LSU personnel from publishing in academic channels any material that LSU and those personnel are otherwise free to publish. This freedom to publish does not give the author any other rights in LSU Intellectual Property; by way of example, the freedom to publish does not give the author any rights in any patentable inventions that may be disclosed in a publication. LSU personnel are cautioned that early publication can destroy or impair the legal protection that might otherwise be available for intellectual property, and where appropriate are advised to consult with their campus technology transfer officers well before the first planned publication to discuss this question further.
- e. (1) Forty percent (40%) of all Distributable Royalties as defined in Section 7-2(j) shall be paid or transferred to the respective inventors or authors. Corporate stock or other equity within Distributable Royalties shall be transferred to the respective authors or inventors in accordance with the preceding sentence as soon as LSU is legally able to transfer title to such equity, and until that time LSU shall be the sole owner of such equity. LSU shall have no liability in the event the value of such equity changes before it is distributed to the inventors or authors. Provided, however, that the Chancellor (or Chancellors) of the appropriate campus (or campuses) may direct that no part (or a reduced part) of Distributable Royalties shall be paid or transferred to the inventors where those Distributable Royalties are attributable to one or more Plant Patents or Plant Variety Protection Certificates. Further provided, that on the written request of any inventor or author, all or part of that inventor's or author's share of Distributable Royalties may be retained by LSU to support research under the direction of that inventor or author. Where the inventors' or authors' share of particular Distributable Royalties is to be paid to more than one inventor or author, the inventors or authors as a group shall receive the percentage of Distributable Royalties specified above; and that share of Distributable Royalties shall be distributed among the inventors or authors as the inventors or authors unanimously agree in writing; or, if unanimous agreement cannot be reached, in

proportions and under procedures established by the President.

- (2)** Ten percent (10%) of all Distributable Royalties shall be allocated to the Office of the President. Fifty percent (50%) of all Distributable Royalties shall be allocated within the appropriate campus as directed by the Chancellor of that campus. None of this remainder may be allocated directly to any individual.
 - (3)** A Research Grant shall be administered by LSU in accordance with the terms of the contract establishing the Research Grant, and in accordance with any applicable laws, rules, and regulations. Authors and inventors shall not be entitled to any portion of a Research Grant, except in some cases for that portion of a salary that is customarily paid from such a source, and then only in accordance with the terms of the contract establishing the Research Grant.
 - (4)** Litigation Proceeds shall be administered and distributed in proportions and under procedures established by the President.
 - (5)** If LSU directly sells research materials (not including agricultural products) to third parties, in greater than nominal quantities and for more than a nominal charge; and if those research materials incorporate an LSU Invention (patented or unpatented) that is not in the public domain at the time -- for example cell lines or laboratory animals that are not otherwise publicly available -- and if LSU therefore has no agreement with a third party as to royalties attributable to the LSU Invention; then in such a case LSU and the inventors shall agree as to a reasonable royalty rate to be imputed to net sales of the research materials, the agreed royalty rate to be treated as Distributable Royalties for all purposes. For example, the respective inventor or inventors (as a group) shall be entitled to receive a total of 40% of the imputed royalty rate applied to the net sales as the inventors' share of Distributable Royalties.
- f.**
- (1)** All stock or other equity owned by LSU as LSU's portion of Distributable Royalties shall be managed and disposed of by an Equity Committee consisting of three members of the Board of Supervisors who are appointed by the Chairman and who have no conflict of interest. The Equity Committee shall have the authority to perform all acts that a stockholder or other equity holder lawfully may perform under applicable law. The Equity Committee or its representatives shall regularly review all equity that LSU has acquired as LSU's portion of Distributable Royalties, to decide when it should be held and when it should be sold or otherwise transferred. The Equity Committee is authorized to confer with one or more financial professionals in reaching these decisions, and to rely on the advice of such professionals in making these decisions. The Equity Committee shall notify the affected campus(es) prior to selling stock or other equity, except where exigent circumstances prevent prior notice.
 - (2)** To attempt to avoid potential questions of conflict of interest, appearance of conflict of interest, and liability:

 - (a)** No LSU personnel shall act as an officer, director, manager, or the like in any business entity in which LSU acquires stock or other equity under Chapter VII; except that where the pertinent contract granting the business entity rights in LSU Intellectual Property has been approved under the provisions of LSU's Permanent Memorandum 67, the affected inventor(s) or author(s) may hold such managerial roles in the business entity in their personal capacities, but not as representatives of LSU; and
 - (b)** LSU shall not otherwise attempt to influence the management or operation of any such business entity in which LSU owns equity. Exercising any voting rights associated with equity owned by LSU shall not be considered to be prohibited by

this subsection.

- (3) Any equity owned by LSU as LSU's portion of Distributable Royalties shall not be further distributed within LSU, but instead shall be managed by the Equity Committee. Any cash benefits received by LSU arising from such equity ownership (for example, cash dividends, or proceeds from the sale of the equity) shall be distributed within LSU in the same relative proportions as other Distributable Royalties; except that the inventor(s) shall receive no portion of any such cash, because the inventor(s) will ordinarily have already received 40% of the equity originally received by LSU under section 7-3(e)(1).
- g. In recognition of the administrative costs that are associated with distributing small Distributable Royalty payments, the following procedures shall be used where applicable. At any time when the cumulative total of undistributed Distributable Royalty payments received on account of a particular license of LSU Intellectual Property in a given fiscal year is less than \$250, the Distributable Royalties for that license shall not be distributed as otherwise provided, but shall instead be held by the University until the end of the current fiscal year. If, at any time during the fiscal year, that cumulative undistributed total reaches \$250, then the accumulated Distributable Royalties shall at that time be distributed as otherwise provided. At the end of each fiscal year, if LSU is holding a cumulative total in undistributed Distributable Royalty payments on account of a particular license during the preceding fiscal year of less than \$250, then 100% of those undistributed Distributable Royalty payments shall be allocated to the Office of the President. However, on the written request of any affected inventor or author, made within six months of the close of the fiscal year, the inventor's or author's forty percent (40%) share of such Distributable Royalties shall be paid to the respective inventor(s) or author(s), and the remaining sixty percent (60%) shall be retained by the Office of the President. The University shall not be required to honor any such request from an author or inventor received either before the close of the fiscal year, or more than six months after the close of the fiscal year. A separate written request must be made for each license and for each fiscal year.
- h. As a matter of University policy, LSU will not license or otherwise encumber rights in future LSU Intellectual Property whose conception is not complete as of the date the license or other encumbrance is executed; except for the strictly limited rights that may be granted to a sponsor of funded research respecting inventions resulting from the funded research, as provided in greater detail in section 7-3(b)(2).
- i. As a matter of University policy, LSU shall require that each licensee of rights in LSU Intellectual Property may not assign, transfer, or sublicense the licensed rights, without LSU's express prior written approval; provided that in its discretion LSU may agree by contract not to unreasonably withhold that approval; further provided that in its discretion LSU may agree by contract to review and pre-approve a reasonably detailed sublicensing form in a situation where it is reasonable to expect numerous sublicenses of the particular licensed LSU Intellectual Property; and further provided that LSU in its discretion may agree by contract to limit its review of a sublicense to consonance with the original license agreement and for adequate protection of LSU's interests, but otherwise to disclaim any right to approve or disapprove the business terms of a sublicense.
- j. As a matter of University policy, LSU shall require each licensee of LSU Intellectual Property, and ordinarily each sublicensee, to obtain reasonable levels of liability insurance or to have adequately capitalized self-insurance, the amount of required liability insurance to be determined in view of the reasonably perceived risks presented by the particular technology being licensed. This insurance coverage shall commence no later than the date when the first commercial sale under the license is made, or if earlier the date of the first clinical trials of a human drug or medical device; and shall continue in effect until the expiration of all applicable periods of prescription or statutes of limitation. LSU shall be named as an additional insured in each such insurance policy. On a case-by-case basis, after reviewing all pertinent facts, the requirement of liability insurance may be waived where LSU assigns all rights in LSU Intellectual Property to another party, with LSU retaining no residual rights or residual share of royalties; except that in

such a case LSU may retain a nonexclusive right to practice the assigned intellectual property right for experimental, educational, or noncommercial purposes.

- k. As a matter of University policy, LSU shall require that each licensee and assignee, and ordinarily each sublicensee, of LSU Intellectual Property shall indemnify the University against claims and lawsuits arising as a result of activities related to the licensed or assigned intellectual property, whether the claim or lawsuit arises under tort law, products liability law, intellectual property law, or otherwise, the indemnity to include reasonable costs of litigation and attorneys fees.
- l. As a matter of University policy, LSU does not ordinarily permit brokerage of LSU Intellectual Property. Rather, LSU expects LSU's licensees to be directly active in developing and commercializing licensed LSU Intellectual Property. Exceptions to this policy will be permitted only upon the authorization of the Chancellor, and only upon a showing of exceptional circumstances why brokerage of particular LSU Intellectual Property is in the University's best interests in the particular circumstances.
- m. In circumstances where LSU assigns or waives certain intellectual property rights in favor of the authors or inventors, whether under Section 7-3(c)(2), Section 7-4(a), or otherwise; then, unless there is an authorized written agreement by LSU that expressly provides otherwise, in each such case the assignment or waiver shall be without representation or warranty from LSU of any kind, including no warranty or representation as to validity; scope; enforceability; inventorship; authorship; title; or absence of infringement of third party patents, copyrights, trademarks, or other third party rights. As examples: **(1)** In such a case it shall be an author's sole responsibility to obtain any necessary copyright clearances from third parties; and **(2)** In such a case it shall be an inventor's sole responsibility to obtain any necessary patent licenses from third parties. Furthermore, authors and inventors in such cases are cautioned that the waiver or assignment of such intellectual property rights by LSU does not include the right to use any LSU Mark.

Section 7-4. LSU Works, LSU Software, LSU Databases, LSU Digital Media, and Course Materials.

The various provisions of Section 7-3 shall apply to LSU Works, LSU Software, LSU Databases, and LSU Digital Media. In addition, the provisions of this Section 7-4 shall also apply to LSU Works, LSU Software, LSU Databases, and LSU Digital Media, but not to other forms of LSU Intellectual Property. This Section 7-4 shall also apply to Course Materials.

- a. Notwithstanding the provisions of Section 7-3(a) above, LSU releases to the respective author(s) all of LSU's interest in any copyright to a book, article, lecture, thesis, dissertation, other literary work, work of art, Course Material, or musical composition that would otherwise be an LSU Work; except that LSU's interest shall not be so released: **(i)** if LSU publishes the work itself; or **(ii)** if LSU publishes or produces a derivative work based on that work, where the derivative work is an audio, video, or digital production or broadcast, including by way of example video recordings of lectures, other recordings of lectures, distance learning activities, or other course-related activities; or **(iii)** if LSU is required to deliver the work to a third party under a research contract or other contract between LSU and the third party. This release of certain rights to the author(s) does not apply to LSU Software or to LSU Databases. LSU reserves a nonexclusive, paid-up, royalty-free right to distribute copies of Course Materials, theses and dissertations, both internally and to third parties, whether by electronic means, microfilm, or otherwise.

The release of rights to Course Materials only applies to the extent that an author or co-author himself or herself uses those materials in the *bona fide* teaching or instruction of a regularly scheduled course for credit at LSU, and does not extend to rights that are derived from a co-author who is not involved in the teaching or instruction of a regularly scheduled course for credit at LSU. The release of rights to Course Materials may include copyrights in items that would otherwise constitute LSU Works, LSU Software, or LSU Digital Media; such a release does not, however, include rights in any patent, patent application, LSU Database, LSU Mark, or LSU Invention.

- b. Prior to submitting any LSU Digital Media to an entity outside LSU, the author(s) shall first submit

a disclosure of the LSU Digital Media to an office or committee on the author(s)' campus to be appointed by the Chancellor or the Chancellor's designee. The disclosure shall include a detailed description of the proposed LSU Digital Media, a copy of the LSU Digital Media, or both, and shall also include a statement specifying what resources (personnel, funds, equipment) were used to prepare the LSU Digital Media. The office or committee designated by the Chancellor shall then determine, on a case-by-case basis, whether the LSU Digital Media shall be treated as an LSU Work or as LSU Software for purposes of these *Bylaws*, including whether or not an express, written release of copyright to the author(s) is appropriate by analogy to Section 7-4(a). In deciding this question, the office or committee shall consider such factors as whether the LSU Digital Media more closely resembles an electronic version of a traditional printed book, versus a work substantially enhanced with multimedia; the extent to which University resources and personnel were used; the extent to which the resources and personnel of an outside party such as a publisher were used; and any other factors that the committee or office considers relevant in reaching an equitable decision.

- c. If LSU publishes an LSU Work or LSU Database itself, or if LSU directly provides others access to an LSU Work or LSU Database in exchange for consideration received directly by LSU, and if LSU therefore has no agreement with a third party concerning royalties attributable to the LSU Work or LSU Database, then twelve-and-one-half percent (12.5%) of the net sales attributable to the LSU Work or LSU Database shall be treated as Distributable Royalties for all purposes. For example, the respective author or authors (as a group) shall be entitled to receive a total of $40\% \times 12.5\% = 5.0\%$ (five percent) of such net sales as the authors' portion of Distributable Royalties.
- d. If an LSU Work, LSU Database, LSU Digital Media, or Course Material is used by the University as part of course instruction, including without limitation Course Materials posted on the Internet and Course Materials used in distance learning, then the author(s) of the LSU Work, LSU Database, LSU Digital Media, or Course Material shall not be entitled to receive any portion of any tuition, fees, or other amounts received by LSU on account of that course, regardless of whether an author is substantively involved in the teaching of that course. LSU shall be free to use the LSU Work, LSU Database, LSU Digital Media, or Course Material as part of the course instruction in LSU's discretion. By contrast, if LSU should receive any royalties on account of an LSU Work, LSU Database, or LSU Digital Media -- for example, royalties for videotapes, audiotapes, or digital media licensed to a third party for distribution independently of the LSU course -- then those royalties will be treated as Distributable Royalties for purposes of Section 7-3(e)(1) above.

Section 7-5. Confidential Materials. LSU System and LSU Campus officials are authorized to protect the confidentiality of materials that are exempt from the Louisiana Public Records Law, pursuant to La. R.S. 44:4(16) or otherwise, to the full extent permitted by law. The President, the Chancellor, the technology transfer officer for each campus, and any other individual designated by the President or by the Chancellor, may certify in writing that particular materials that have been requested under the Public Records Law are subject to a particular statutory exemption under the Public Records Law.

Section 7-6. Miscellaneous. On a particularized showing of exceptional circumstances justifying a departure from the policies codified above, the President is authorized in the President's discretion to approve in writing a departure from the requirements of Section 7-3(f)(2)(b). On a particularized showing of exceptional circumstances justifying a departure from the policies codified above, the Chancellor of the affected campus is authorized in the Chancellor's discretion to approve in writing a departure from the requirements of Sections 7-3(b)(1), 7-3(b)(2), 7-3(h), 7-3(i), 7-3(j), and 7-3(l). Such waivers will not ordinarily be permitted, and will be granted only where the President or Chancellor, respectively, in the President's or Chancellor's discretion, is persuaded that exceptional circumstances compel the conclusion that a particular waiver from these requirements in the University's best interests. The President or a Chancellor may delegate the authority granted by this Section 7-5 to another University officer in writing; except that the President's authority to approve departures from the requirements of Section 7-3(f)(2)(b) shall not be delegated.

CHAPTER VIII

AFFILIATED ORGANIZATIONS

Section 8-1. Relationship to the University System. Private support organizations can enhance the programs, facilities, and research and educational opportunities offered by institutions of higher education. The Board promotes the activities of alumni associations, foundations, and other private, nonprofit organizations that raise private funds for the support of the various campuses in the LSU System. A nonprofit corporation, whose principal purpose is to support one or more programs, facilities, or research or educational opportunities offered by public institutions of higher education, shall be a private entity provided that it meets the criteria enumerated in all applicable state and/or federal statutes.

Section 8-2. Alumni Organizations. All affiliated organizations, such as alumni associations, foundations, and other nonprofit groups, whose principal interest is to provide public support to enhance the programs, facilities, and research and educational opportunities offered by LSU System campuses must be officially recognized by the Board. This official recognition requires compliance with LSU System and Louisiana Board of Regents policies and all applicable state/federal statutes. All affiliated organizations seeking official recognition by the Board shall make application through the Office of the President of the LSU System. Such application shall include the necessary documentation to establish full compliance with all applicable policies and laws.

CHAPTER IX

REPEAL AND AMENDMENT TO REGULATIONS

Section 9-1. Repealing Clause. All rules, orders, regulations, and resolutions heretofore enacted or adopted by the Board which are in conflict with these **Regulations** are hereby repealed.

Section 9-2. Amendment. These **Regulations**, except as they include provisions specifically covered by the Statutes of the State of Louisiana and the **Bylaws** of this Board, may be amended by receiving an affirmative vote of a majority of the members of the Board after receiving recommendations of the appropriate committee of the Board.