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Executive Orders

EXECUTIVE ORDER EWE-76-4

WHEREAS, the National Historical Publications and Records Commission was created to cooperate with and encourage appropriate Federal, State, and local agencies and private and nongovernmental institutions, societies, and individuals in collecting, preserving, editing, and publishing the papers of outstanding citizens of the United States and other documents as may be important for an understanding and appreciation of the history of the United States; and

WHEREAS, the preservation, collection, and publication of important historical papers and documents is best achieved through the coordinated efforts of an advisory commission.

NOW, THEREFORE, I do hereby create the Louisiana Historical Records Advisory Commission, to be composed of not more than twenty-one members, for the purpose of collection, preservation, and publication of papers of outstanding citizens of the State of Louisiana and other historical papers and documents as may be important for a better understanding and appreciation of the history of the State of Louisiana and of the United States; provided that the Director of the archives and records service of the Secretary of State and the Director of the State Art, Historical and Cultural Preservation Agency, or its successor, shall be ex officio members of said advisory commission.

The Commission shall be composed in the following manner:

1. A majority of the members of the Commission shall be persons of recognized professional qualifications and experience in the administration of historical records, or in a field of research which makes extensive use of such records, and
2. The remaining members of the Commission shall possess a known interest in the administration and use of historical records. To the extent possible the members of the Commission shall represent the public and private archival and research institutions and organizations of this state.

The initial members, except ex officio members, shall be appointed for staggered terms so that the terms

of no more than one-third of the members of the Commission will expire each year. Thereafter, the members of the Commission shall be appointed for terms of three years.

The Commission shall be headed and coordinated by the State Archivist who shall, for the purpose of this executive order, serve as Historical Records Coordinator of the Louisiana Historical Records Advisory Commission.

The Louisiana Historical Records Advisory Commission shall serve as an advisory body for planning of historical records and for projects developed and carried out under the program in this state. The Commission may perform the following duties, including, but not limited to:

1. Sponsor surveys of the condition and needs of historical records in this state, and publish the results of the surveys;
2. Solicit or develop plans for historical records projects to be carried out in this state by institutions or by the Commission with financing by the National Historical Publications and Records Commission;
3. Review historical records projects proposed by institutions in this state and make recommendations thereon to the National Commission;
4. Develop, revise annually and submit to the national commission recommended state plans for historical records projects following priorities prescribed by the National Commission; and
5. Review, through reports and otherwise, the operation and progress of approved historical records projects in the state financed by the National Commission.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 22nd day of April, A.D., 1976.

EDWIN EDWARDS
Governor of Louisiana

EXECUTIVE ORDER EWE-76-5

WHEREAS, the President of the United States has announced a White House Conference on Handicapped Individuals to be held in May, 1977; and

WHEREAS, the Conference offers the opportunity of providing direction and action that will greatly influence services and programs concerned with the handicapped citizens of Louisiana and the nation; and

WHEREAS, the purpose of the Conference is to stimulate a national assessment of problems faced by handicapped individuals, to generate a national awareness of these problems, and to develop recommendations for legislative and administrative actions, to allow individuals with handicaps to live fuller and more independent lives; and

WHEREAS, in order to take an effective part in the Conference, Louisiana must have an effective plan to present Louisiana's position on vital concerns of the handicapped;

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me, by the Constitution and laws of this State, do hereby order and direct the following:

1. The Governor's Planning and Advisory Council on Handicapped Persons is created and established to consist of not more than twenty-five members to be appointed at such time as will facilitate the work of the Council.
2. The Governor's Planning and Advisory Council on Handicapped Persons shall plan Louisiana's participation in the White House Conference on Handicapped Individuals.
3. The Governor's Planning and Advisory Council shall take whatever steps are necessary and proper for Louisiana to participate in and benefit from the Conference.
4. The Governor's Planning and Advisory Council on Handicapped Persons shall elect its officers and shall conduct open public hearings in various areas of the state in order that interested citizens may make their views known to the Council, and in order to encourage public awareness of the needs of the handicapped and of the Conference.
5. The Governor's Planning and Advisory Council shall hold a state conference prior to the

national conference to receive presentations from professional leaders in the social, health, and education fields on the varied needs of the handicapped.

6. Administrative responsibility for the Governor's Planning and Advisory Council shall be vested in the program administrator of the Division of Vocational Rehabilitation of the Department of Education who shall provide administrative assistance with respect to the Conference; all activities will be coordinated with the Division of Human Services of the Louisiana Health and Human Resources Administration and with the Governor's Committee for the Employment of the Physically Handicapped.

IN WITNESS WHEREOF, I have hereunto set my hand officially, and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 26th day of April, A.D., 1976.

EDWIN EDWARDS

Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Trustees for State Colleges and Universities

At its meeting on April 23, 1976, the Board of Trustees for State Colleges and Universities adopted the following rule, effective immediately:

Article 5, Section 2 of the Bylaws for the Board of Trustees for State Colleges and Universities shall be amended to include:

- Subsection F. Grievance Committee
- Subsection G. Legislative Committee.

The necessity for this rule is the impending legal action on a suit which has to be heard by the Grievance Committee and the necessity for the Legislative Committee's recommendations on requested legislation before the upcoming Regular Session of the Louisiana Legislature.

This action was taken in accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:553B.

Bill Junkin
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The following emergency rule was adopted on April 22, 1976, by the State Board of Elementary and Secondary Education as an immediate response to a need in the local schools to allow full-time certified teachers to teach outside their certified field for limited periods under certain conditions.

Rule 3.01.52.c

Bulletin 741 (1966 edition, interim and 1976 edition) is amended in respect to certified teachers being allowed to teach outside their field under specified conditions. The specified conditions are that a full-time certified teacher may teach outside of his certified field up to two periods if (1) he has twelve hours of course work in the area he will be teaching out of his certified field, and (2) if he has the approval of the State Department of Education, Bureau of Teacher Certification.

Earl Ingram
Director

DECLARATION OF EMERGENCY

Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission on April 27, 1976, adopted the following resolution, as per R.S. 49:953B:

Whereas, biologists of the Louisiana Wildlife and Fisheries Commission have found there are harvestable amounts of white shrimp in a certain portion of the Louisiana coastal nursery area, and

Whereas, it is recommended that a special four-day white shrimp season be opened west of the Atchafalaya River.

Now, therefore, be it resolved that the Louisiana Wildlife and Fisheries Commission does hereby declare a

special four-day white shrimp season to begin at 7:35 p.m. Central Daylight Time, on Tuesday, April 27, 1976, and close at midnight, Saturday, May 1, 1976, in a certain area from the Atchafalaya River, westward to the Sabine River/Texas State Line and to include Calcasieu Lake, with special said season being open to both wing nets and trawls. However, night trawling shall be prohibited in Calcasieu Lake.

Be it further resolved that the Director be and is hereby authorized through May 31, 1976, to extend and close said season regardless of the above stated periods if found to be biologically necessary.

J. Burton Angelle
Director

Rules

RULES

Department of Agriculture Milk Division

(Editor's Note: These rules will become effective on June 9, 1976.)

Whereas, Dave L. Pearce, Commissioner of Agriculture of the State of Louisiana, acting through Howard P. Brosset, Chief of the Milk Division of the Louisiana Department of Agriculture, did, pursuant to R.S. 40:931.4, Sub-part C, Title 40 of the Louisiana Revised Statutes of 1950, as amended, and consistent with the applicable provisions of the Administrative Procedures Act, and in accordance with the decision from the 19th Judicial District Court, East Baton Rouge Parish, hold a public hearing in Baton Rouge, Louisiana, December 17, 1975, for the purpose of considering amendments to Production Marketing Area No. 1 and Production Marketing Area No. 2 concerning the provisions of the American Dairy Association of Louisiana, Inc. Upon the basis of the evidence introduced at the hearing and the record thereof, I have determined in my decision of April 2, 1976, that there shall be one statewide program of promotion, research, advertising and nutrition education, administered by American Dairy Association of Louisiana, Inc. in a nondiscriminatory manner.

Pursuant to R.S. 40:931.4, a referendum was held April 2, 1976, on the recommendations with respect to American Dairy Association of Louisiana, Inc.

Whereas, more than two-thirds of the votes in the referendum in Production Marketing Area No. 1 and Production Marketing Area No. 2, having been duly tabulated on April 23, 1976, and determined in favor of the recommended decision;

Therefore, under and by the authority vested in me by Act 31 of 1974, and consistent with the applicable provisions of the Administrative Procedures Act, I declare the referendum, this 23rd day of April, 1976, to be in favor of the amendments as recommended for Production Marketing Areas No. 1 and No. 2 and hereby declare the amendments to be effective June 9, 1976, as follows:

Production Marketing Area No. 1

A. Amend Production Marketing Area No. 1 by adding thereto ss 1.25 (A) and ss 1.25 (B).

ss 1.25(A) Promotion, Research, Advertising and Nutrition Education Fund.

The "Promotion, Research, Advertising and Nutrition Education Fund" is a "fund" into which payment will be made pursuant to ss 1.49 (i).

ss 1.25(B) "American Dairy Association of Louisiana, Inc." or "A.D.A." is a nonprofit corporation organized under the laws of Louisiana whose Board of Directors is composed of not more than eighteen regular members, two-thirds of whom shall be producer members and one-third of whom are handler members.

* * * *

B. Amend Subsection 1.49 (i) of Production Marketing Area No. 1 so as to read as follows:

ss 1.49(i) Subtract an amount equal to the total receipts of producer milk at handler's plant, multiplied by six cents per hundredweight and on or before the twentieth day of each month, each handler shall pay to the American Dairy Association of Louisiana, Inc. such amount as the Promotion, Research, Advertising, and Nutrition Education Fund. The American Dairy Association of Louisiana, Inc. shall administer the fund in accord with the provisions of Subsection 1.79.

* * * *

C. Amend Production Marketing Area No. 1 by adding thereto a Subsection 1.79 so as to read as follows:

ss 1.79 Administration of the Promotion, Research, Advertising and Nutrition Education Fund.

The Promotion, Advertising and Nutrition Education Fund shall be administered by the American Dairy Association of Louisiana, Inc., in conformity with the provisions hereinafter set forth:

(a) Each handler's obligation under Production Marketing Area No. 1, Subsection 1.49 (i) shall be strictly complied with to create the maximum benefit from this cooperative endeavor and to this end in the event that any such obligation is not faithfully complied with within ten days of the date or dates specified herein, the American Dairy Association of Louisiana, Inc. is authorized to institute legal proceedings for the enforcement thereof and to collect such sum or sums as is determined due and owing together with legal interest and attorney's fee.

(b) The Board of Directors of the American Dairy Association of Louisiana, Inc., is charged with the responsibility of creating and implementing a single, statewide program of promotion, research, advertising and nutrition education. Under this program, the total sum of allowances received by American Dairy Association of Louisiana, Inc. shall be used by that group in funding the statewide program which is ultimately adopted by the Board of Directors of American Dairy Association of Louisiana, Inc. Such an approach shall exclude any credit or refund arrangement with any individual producer group. American Dairy Association of Louisiana, Inc. shall furnish an annual audit of its receipts and expenditures prepared by a certified public accountant to the Commissioner and any other interested persons.

Production Marketing Area No. 2

A. Amend Production Marketing Area No. 2 by adding thereto ss 2.18 and ss 2.19.

ss 2.18 Promotion, Research, Advertising and Nutrition Education Fund.

The "Promotion, Research, Advertising and Nutrition Education Fund" is a "fund" into which payment will be made pursuant to ss 2.62 (i).

ss 2.19 American Dairy Association of Louisiana, Inc.

"American Dairy Association of Louisiana, Inc." or "A.D.A." is a nonprofit corporation

organized under the laws of Louisiana whose Board of Directors is composed of not more than eighteen regular members, two-thirds of whom shall be producer members and one-third of whom are handler members.

* * * *

B. Amend Subsection 2.62 (i) of Production Marketing Area No. 2 so as to read as follows:

ss 2.62 (i) Subtract an amount equal to the total receipts of producer milk at handler's plant, multiplied by six cents per hundredweight and on or before the twentieth day of each month, each handler shall pay to the American Dairy Association of Louisiana, Inc. such amount as the Promotion, Research, Advertising, and Nutrition Education Fund. The American Dairy Association of Louisiana, Inc. shall administer the fund in accord with the provisions of Subsection 2.102.

* * * *

C. Amend Production Marketing Area No. 2 by adding thereto Subsection 2.102 so as to read as follows:

ss 2.102 Administration of the Promotion, Research, Advertising and Nutrition Education Fund.

The Promotion, Advertising and Nutrition Education Fund shall be administered by the American Dairy Association of Louisiana, Inc., in conformity with the provisions hereinafter set forth:

- (a) Each handler's obligation under Production Marketing Area No. 2, Subsection 2.62 (i) shall be strictly complied with to create the maximum benefit from this cooperative endeavor and to this end in the event that any such obligation is not faithfully complied with within ten days of the date or dates specified herein, the American Dairy Association of Louisiana, Inc. is authorized to institute legal proceedings for the enforcement thereof and to collect such sum or sums as is determined due and owing together with legal interest and attorney's fee.
- (b) The Board of Directors of the American Dairy Association of Louisiana, Inc., is charged with the responsibility of creating and implementing a single, statewide pro-

gram of promotion, research, advertising and nutrition education. Under this program, the total sum of allowances received by American Dairy Association of Louisiana, Inc. shall be used by that group in funding the statewide program which is ultimately adopted by the Board of Directors of American Dairy Association of Louisiana, Inc. Such an approach shall exclude any credit or refund arrangement with any individual producer group. American Dairy Association of Louisiana, Inc. shall furnish an annual audit of its receipts and expenditures prepared by a certified public accountant to the Commissioner and any other interested persons.

Dave L. Pearce
Commissioner

RULES

Board of Trustees for State Colleges and Universities

(Editor's Note: The following rules were adopted by the Board of Trustees for State Colleges and Universities on April 23, 1976, to be effective May 20, 1976. This series of revised rules supercedes policies and procedures from the old State Board of Education under which the Board of Trustees has been operating.)

Part IV

Education Policies and Procedures

Section 4.1 Agreements Between Institutions

The Board authorizes colleges and universities to enter into contracts and agreements with other public agencies with respect to cooperative enterprises and undertakings relating to or associated with college or university purposes and programs, in accordance with applicable laws.

Section 4.2 Evaluations

The Board authorizes and encourages evaluation of the various colleges by representatives of standard-setting associations and accrediting agencies.

Section 4.3 Religious Classes

No credit shall be given for courses in religion given by nonfaculty personnel off campus.

Section 4.4 Course Numbering System

All freshman level courses offered at colleges and universities under the Board shall be numbered 100 through 199. All first semester freshman courses shall be designated by odd numbers (e.g. English 101-103, etc.); and all second semester freshman courses shall be designated by even numbers (e.g. English 102-104, etc.). An identical system shall be used for sophomore, junior, and senior courses, except that the numbers 200-299, 300-399, and 400-499 respectively be used.

Section 4.5 Foreign Study

Each college and university under the jurisdiction of the Board may grant credit hours for studies at foreign universities and colleges. Credits shall be given in the same manner as on-campus programs.

Section 4.6 Reporting Student Credit Hours

The Board establishes the fourteenth class day following the beginning of classes for reporting of student credit hours at the institutions under the jurisdiction of the Board.

Section 4.7 Television Instructional, National

The Board leaves to the discretion of the college presidents the matter of giving college credit for national television instruction.

Section 4.8 Reciprocal Recognition of Credits

All institutions under the jurisdiction of the Board are to recognize undergraduate credits gained by students at other institutions under the jurisdiction of the Board.

Section 4.9 Requests for New Degree Programs

- A. All new degree programs are to be sent to the Academic Affairs Committee for study and recommendation before being placed before the Board.
- B. The Board's deadlines for filing new academic programs will be as follows:
 1. Letter of intent: The Board requests the

letter fifty-two weeks before February 1 or September 1 submission dates.

2. Program applications shall be received by the Board no later than November 1 for January review and no later than June 1 for August review.

Section 4.10 ROTC Programs

The Board authorizes all colleges and universities under its jurisdiction to apply for ROTC units.

Section 4.11 Honorary Doctorates

The Board authorizes the college presidents under the jurisdiction of the Board to give honorary doctorates to outstanding persons, these doctorates to be given with the prior approval of the Board under receipt of recommendations submitted in written form.

Principles: For an institution of higher learning the practice of awarding honorary degrees is an acceptable means of expressing its ideals, however, the authority to grant such degrees rests with the Board. Honorary degrees are to be granted in recognition of truly distinctive, creative achievement. They are not to be used to obtain a good commencement speaker, a contribution to the university or to encourage reciprocity with other institutions. A reasonable balancing of degrees among various fields of endeavor should be maintained.

Section 4.12 Honorary Doctorates

Types of Degrees: Degrees which may be awarded are: Doctor of Science (D. Sci.), for distinction in the area of science or medicine; Doctor of Humane Letters (LH. D.), for significant contributions in the humanities or to the welfare of mankind, Doctor of Letters (Litt. D.), accorded to a writer, poet, editor, or critic; Doctor of Fine Arts (D.F.A.), for contributions in the fine arts; Doctor of Laws (LL. D.), the highest accolade, for pre-eminence in any field.

In exceptional circumstances, with approval of the Board, other degrees may be conferred.

No honorary degree shall be awarded which could be confused with an earned degree granted by any institution in the State of Louisiana.

The honoree should represent eminent achievement of lasting importance in intellectual, scholarly, or creative fields of endeavor or should have performed

with high distinction in public service, or, made significant contributions to society in general. The individual chosen should be of exemplary moral character. Particular consideration should be given to those whose contributions have not heretofore been widely recognized by other institutions.

Certain categories of individuals should be excluded from consideration for honorary degrees: Present faculty or staff members of the granting institution; Louisiana elected officials in office at the time of selection and conferral; persons chosen solely in hope of financial gain by the institution; those who would decline to receive the degree in person; and lastly, any who have previously received honorary degrees from other institutions in Louisiana.

Selection Process: The selection of honorees is an administrative matter but must be consistent with the Board guidelines stated herein.

Number of Degrees: To emphasize and preserve the value of an honorary degree, each institution is hereby limited to a maximum of two per academic year.

Section 4.13 Major Fields

All schools authorized to grant Master of Education degrees shall have a minimum requirement of twelve hours in a major field other than in Education. The Master of Science or Master of Arts Degrees shall have a minimum requirement of eighteen hours in the major field in which the degree is granted.

Section 4.14 Twelve-Week Summer Session

The Board authorizes the institutions of higher learning under its jurisdiction to carry out summer programs of varying length up to twelve weeks, provided they first present such programs to the Board. The normal summer session is recognized as being nine weeks.

Part VII

Faculty and Staff Personnel Policies and Procedures

Section 7.1 Age

A. Administrative Personnel

Presidents of colleges and universities, and anyone holding a position in an administrative capacity under the Board shall be retired at the age of sixty-five years, with the provision that a

person attaining age sixty-five in a school year will be permitted to continue until the end of the year.

B. Extension—Beyond Age Sixty-five (Effective only until June 30, 1977)

1. No person shall be continued in the employment of the Board beyond the end of the fiscal year in which that person reaches the age of sixty-five years unless, on application made for such continuation, the Board finds that such a person is mentally, physically, temperamentally, and morally fit to perform his duties, in which event the Board may, at its discretion, extend the employment of such person one year at a time, but not beyond the end of the fiscal year in which such person reaches the age of sixty-eight years.

2. Any person requesting retention beyond the age of sixty-five years shall submit an application in writing prior to April 1 of the year in which such person would be retired.

3. All applications for extension must be supported by the concurrence and written certification by the president of the institution that, in his opinion, the person recommended is mentally, physically, temperamentally, and morally fit to continue in service and to perform his duties satisfactorily for one additional year beyond the age of sixty-five years, or for one year additional beyond the retirement period previously extended, together with such other pertinent information and reasons for continuing the employment as are within the knowledge of the party making the certificate. If the party making the certificate knows the facts through his own personal knowledge, he shall so state. If the recommendation for retention is based upon the recommendation of or information by a dean, department head, or other similar official having knowledge of the facts, the application shall be accompanied by a similar certificate executed by such dean, department head, or other such person. The Board shall have the right to require such other information or evidence as it deems necessary in each case.

4. All employees at the institutions under the jurisdiction of the Board who have reached

the age of sixty-five must take and pass a physical examination showing that they are physically able to continue working in their present positions without injury to their health; written results of the examinations shall be made a part of the personnel records in the institution and must be reported to the Board.

5. All college and university presidents shall be directed immediately to abide by the present policy of the Board and shall exercise judgment in each individual request for continuation of employment after the age of sixty-five for one year for those employees who meet the criteria set forth by the Board; any statement in handbooks or documents of the colleges and universities that categorically denies any employment after age sixty-five shall be eliminated. Renumeration for the rank of president emeritus shall be discontinued with attrition taking care of those presidents presently drawing president emeritus pay.

C. Termination of Extensions Beyond Age Sixty-Five

The policy of the Board which allows each college and university president to exercise his judgment in individual requests shall be continued until June 30, 1977, in accordance with present policy. On June 30, 1977, the termination of employment will be mandatory at age sixty-five, with the provision that a person attaining age sixty-five in a school year will be permitted to continue until the end of the year.

Section 7.2 Personnel Actions

A. Consolidation to a Single Item

All personnel changes shall be incorporated in a single item to be brought before the Board for its action.

B. Conversions of Basis – Nine to Twelve Months

Unclassified personnel whose employment status is being changed from nine months to a twelve-month basis shall be increased in salary by no less than one-third of their nine-month salary. Any such employee whose status changes from a twelve-month to a nine-month salary amount shall be decreased by no more than

one-fourth of their previous twelve-month salary.

C. Notification in Advance

All requests for leave of absence and all personnel actions must be in the hands of the Board members at least ten days before such action is finalized, except in extreme emergency situations.

Section 7.3 Personnel Benefits

A. Annuities

The heads of institutions under the jurisdiction of the Board are authorized to make withholdings from salaries of employees for annuity purposes and to purchase annuities from the funds withheld in accordance with Section 403(b) of the Internal Revenue Code of the United States.

B. Social Security

The Board authorizes the President of the Board to sign agreements with the Public Employees Board of Louisiana to provide Social Security coverage for employees at the institutions under the jurisdiction of the Board who are not eligible for membership in any other retirement system.

Section 7.4 Personnel Policies

A. Classified Employees

The Board grants authority to the college president under its jurisdiction, or their appointed representatives, the right to hire or dismiss any classified employee.

B. Chief Executive Vacancies

For all State appointments concerning vacancies in the chief executive position at an institution under the jurisdiction of the Board, prior notice shall be provided the Board members in sufficient time in order that all applicants who shall meet the earned doctorate qualification may be given an official application for such vacancies and that the proper committee, after hearing and interviewing such applicants, may make recommendations to this Board for final selection.

Section 7.5 Leaves of Absence

- A. The presidents of the colleges and universities shall determine whether or not individuals are eligible for leaves of absence, based on the regulations of the Board.
- B. An employee of an institution under the control of the Board who is not a member of the faculty or administration does not come under the Board's policy of leaves of absence for faculty members.
- C. Leaves of absence for the purpose of accepting a temporary appointment elsewhere shall not exceed one year. Any additional extensions shall require special justification by the president of the college and approval by the Board.
- D. Leaves granted for the purpose of participating in a political campaign shall not exceed six months.
- E. Leaves for Military Duty

For faculty personnel on military leave (or special leave for war-connected service) from the institutions under the control of the Board, the person on leave shall be re-employed by the institution at the beginning of the next semester (or trimester) after the date on which the institution head shall receive written notification that such person wishes to return to his position, provided that such notification shall be given within forty days after honorable discharge from the armed forces.

F. Sabbatical Leave

Policy for Improving the Quality for Professional Services at the Colleges by Providing for Leaves of Absence with Pay for Faculty Members.

Provision for leave with pay for the purpose of professional or cultural improvement, or for the purpose of rest and recuperation, is a well-established administrative device calculated to improve the quality of college teachers in service. The Board of Trustees recognized that for the colleges under its control, such a policy is justifiable and desirable. The Board provides for faculty leaves of absence under the following conditions:

1. Every faculty member or administrator may

be eligible for leave for the purpose of professional or cultural improvement, or for the purpose of rest and recuperation, for the two semesters immediately following any six or more consecutive fiscal years of active service in the institution where such teacher is employed or for one semester following three or more consecutive fiscal years of such service; provided that absence on sick leave shall not be deemed to interrupt the active service herein provided for. The work is normally to consist of advanced courses in the instructor's teaching field or in a program leading to an advanced degree in that field.

2. Faculty members and administrators may be granted leave for the purpose of independent study or research. In those cases where the faculty member or administrator receives outside compensation for such study or research which equals or exceeds the amount he is entitled to under existing Board leave policy, then he is ineligible for leave pay. The college or university shall review the amount received from the grant; and if this is less than the compensation he would receive for leave with pay, the institution shall pay this difference.
3. That no person whose application for leave has been granted shall be denied such leave. Every application shall specify (a) the period for which leave is requested, (b) whether leave is requested for the purpose of professional or cultural improvement, or for the purpose of rest and recuperation, (c) the precise manner, insofar as possible, in which such leave, if granted, will be spent, (d) the semesters spent in active service in the college from which leave is requested, and (e) the date of birth of applicant; and said application shall contain a statement, over the signature of the applicant, that he or she agrees to comply with the provisions of this enactment. Every application for leave for the purpose of rest and recuperation shall be accompanied by statements from two physicians certifying that the health of the applicant is such that the granting of such leave would be proper and justifiable.

That any applicant who, at the expiration of the semester in which he or she applies, shall be ineligible for the leave requested

and/or who has not complied with the provisions listed above shall have his or her application rejected, but all other applicants may have their applications granted, provided that all leaves requested in such applications could be taken without violating the following provision: At no time during any semester of the academic year shall the number of persons on leave exceed five percentum of the total number of teachers employed in a given college or ten percentum during any summer session; provided further, that in cases of sick leave these percentages may be exceeded.

4. After each leave period is finished, evidence must be submitted to indicate that the purpose for which the leave was granted has been achieved. For those not holding the doctorate, official transcripts must be sent to the appropriate academic dean; for those holding doctorates, adequate written evidence must be submitted to the appropriate dean by the individual and, whenever possible, corroborated by the institution(s) concerned.
5. The compensation for the period of leave approved shall be at the rate of seventy-five percent of the salary the individual received during the preceding fiscal year for the period of time leave is applied for and granted. Individuals shall contribute to the retirement system on the basis of annual salary rate. Compensation payable to persons on leave shall be paid at the times at which salaries of the other members of the teaching staff are paid, and in the same manner. Prior approval must be secured from the Board of Trustees before any replacement is secured for person granted leave. Institutions should utilize faculties to the fullest extent before requesting such replacements.
6. Refusal by a faculty member to comply with the provisions of this policy shall result in the forfeiture of tenure and ineligibility for increase of salary and promotion in rank until the requirement shall have been met.
7. In accepting a leave of absence with pay, the faculty member shall be understood to assume a moral obligation to return to his institution for at least one year of further service.

8. A copy of this policy shall be furnished to the faculty member each year by the college president.
9. Request for interpretations on any phase of this policy shall be channeled through the staff of the Board. This procedure is necessary in order that all persons concerned will be appraised of any and all interpretations rendered.

Section 7.6 Salaries

A. Advanced Degree Adjustments

Pay increases shall be granted when additional degrees are earned according to existing salary schedule and Board policy. Such increases shall be made effective at the beginning of the first semester of the fiscal year following that in which the degree is earned, and no mid-term increases shall be made for advance degrees.

B. Date of Implementation

Raises in pay because of advanced degrees will be effective at the beginning of the fall semester in the scholastic year following the receipt of the degree. In those cases where a certificate from the proper authority of the institution attended is presented prior to the beginning of the scholastic year stating that all requirements for the higher degree have been completed, with the exception of the formal conferring of the degree, the Board of Trustees will accept that as completion of the degree for salary purposes only, effective at the beginning of the scholastic year.

Section 7.7 Patents

- A. Any discovery, invention or development which is made possible wholly or in part (1) through the use of State funds, (2) while using State-owned facilities, and (3) by an individual while employed by the State, in any of the institutions under the jurisdiction of the Board, is the property of the State of Louisiana.

Section 7.8 Colleges and Universities

A. Public Office Seeking

The president of the institution where the employee is employed must agree that this undertaking will not interfere with his work at

the institution. The employee must comply with any provisions of State law on this subject.

B. Membership in Organizations

The Board has no policy denying or restricting college and university faculties the right to create or belong to faculty organizations which have for their purpose the good of their respective institutions and which serve as forums for enabling their membership to express their opinions, individually or collectively, regarding matters they feel worthy of study and discussion.

C. Nepotism

The Board authorizes the employment of persons from the same economics unit, or the same immediate family although a separate economics unit, when their individual qualifications are such that they represent the best possible choice for a given position. Employees from the same economic unit, or from the same immediate family although a separate economic unit, may not be employed in a situation where one member may have direct administrative responsibility for the other.

D. Campus Security Directors

The Board grants to each college president permission to hire a nonclassified employee to direct campus security activities in connection with closer control against drug activities as well as other problems.

Section 7.9 Faculty Rank

A. Rank Distribution

Special care shall be exercised in assigning faculty ranks to new appointees and in making promotions in rank from year to year. The following table provides guidelines and limitations on assignments of ranks within each institution:

Academic Rank	Range	Percentage Not to Exceed
Professor	20-35%	35%
Associate Professor	25-35%	35%

B. Promotion

Each institution shall establish a policy setting criteria for faculty promotions. The policy statement should contemplate that very few persons be promoted to the rank of full professor who do not hold the doctor's degree.

C. Evaluations

Each institution shall evaluate each faculty member and administrator at least on an annual basis, and the evaluation shall be filed in appropriate personnel files.

Section 7.10 Tenure

A. The uniform provisions for tenure provide that the Board of Trustees has the ultimate responsibility for hiring academic personnel and for awarding or denying tenure to academic personnel within the colleges and universities under the jurisdiction of the Board. The precise terms and conditions of every appointment shall be stated in writing and be in the possession of both institution and employee before the appointment is consummated.

B. Indeterminate tenure shall be earned by full-time academic personnel with respect to academic rank only.

1. Administrators shall not earn tenure, except as members of an academic discipline.

2. Faculty members shall be on annual appointment at the instructor level.

3. Faculty members shall not be eligible for tenure at the instructor level.

4. Assistant professor or equivalents shall be eligible for tenure after serving the established probationary period.

5. Faculty members promoted to the rank of associate professor, professor, or equivalent, shall be awarded indeterminate tenure and shall be informed in writing within ninety days of Board of Trustees' action.

6. Faculty members initially employed at the rank of associate professor or equivalent shall serve a probationary period of at least one year, but no more than four years.

7. Faculty members initially employed at the rank of professor or equivalent may be granted tenure upon appointment, or, at the discretion of the institution, may be required to serve a probationary period not to exceed four years.
 8. Faculty members appointed to the rank of professor or associate professor while being paid from a grant or contract for services such as special lecturer, consultant, or visiting professor, may not be granted indeterminate tenure, but may be granted limited tenure, not exceeding the duration of the grant or contract.
- C. Full-time academic personnel below the rank of associate professor or equivalent shall serve a probationary period not to exceed seven years of continuous service. For the purpose of computing continuous service during the maximum seven-year probationary period, leaves approved by the Board of Trustees and service at all ranks shall be included.
1. At the end of the fifth year of continuous service, such faculty members shall be evaluated for the purpose of determining eligibility for tenure.
 2. At the end of the sixth year, the results of each individual's evaluation shall be provided to that individual. In the event tenure is to be denied to an assistant professor, twelve months written notice of termination shall be given. In the event tenure is to be awarded, affected faculty members shall be informed in writing.
 3. For the purpose of the probationary period, credit may be given for prior service at other institutions with the mutual consent of the individual institution and the Board of Trustees.
 4. Recommendation of those to be considered for tenure shall originate in the various structural units, with tenured faculty and unit heads initiating the recommendations. Final authority for granting or denying tenure shall rest with the Board of Trustees.
- D. Tenured faculty shall retain their status until they retire, resign, or are terminated for cause or as a result of financial exigency. Because faculty members hold tenure with an institution through an academic structural unit, termination for financial exigency may occur when the financial exigency is at the structural unit level or at the institution level as determined by procedures which include faculty participation.
- E. This policy shall supercede all existing policies with the following exceptions:
1. All persons holding tenure on the effective date of this policy shall retain their tenure.
 2. Any person in the employ of an affected institution on the effective date of this policy shall be eligible to earn tenure under the terms and conditions of the policy in force and in effect at the time of that person's employment at that institution.
 3. This policy shall in no way affect any rights acquired by any person employed by an institution prior to the effective date of this policy.
- F. Within ninety days of the effective date of this policy, each tenured faculty member in each affected institution shall be notified of his/her tenured status. Within the same time period, each nontenured faculty member shall be informed of his/her nontenured status and shall be informed of existing tenure policy affecting him/her.

Section 7.11 Summer Session

The president of each college under the jurisdiction of the Board shall submit to the Board by May 1 of each year a list of employees who will participate in the summer school session.

Section 7.12 Transfer

- A. No State college under the jurisdiction of the Board shall employ academic personnel from another State college or university under the jurisdiction of the Board without prior approval of the Board and with the concurrence of the presidents of the institutions involved.
- B. Any individual who resigns from the staff or faculty of one institution cannot be employed by another institution under the jurisdiction of the Board for a period of one year without the prior approval of the Board.

Section 7.13 Faculty

A. Salary Schedule

(Based on the Minimum Educational Attainment of the Master's Degree)

1. The Board will adopt upper and lower limits on rates of compensation for college teaching on a nine-month college-year basis in each of the several academic ranks.
 2. Initial appointments shall be made at any point within the limits set in the current salary schedule.
 3. A person who has earned one year (twenty-four semester hours) of graduate credit in his teaching field or work leading to a higher degree in his major field, after having completed the requirements for the master's degree, shall be paid \$400 above the salary to which he is entitled by his rank and his current salary, and for two years (forty-eight semester hours) he shall be paid \$800.
 4. A person who has earned the doctor's degree shall be paid \$1,500 (i.e., \$700 above the minimum amount provided for in Paragraph 3) above the salary to which he is entitled by his rank and his current salary.
 5. An individual's salary may not be increased above the maximum for his rank as shown in the current salary schedule.
- B. The minimum salary in the colleges and universities under the jurisdiction of the Board shall be no less than the State minimum salary schedule of individuals employed in the public school system of the State.
- C. Colleges and universities are allowed the option of paying up to twenty-five percent of the nine-month salary for a nine-week summer session.

Section 7.14 Faculties of Laboratory Schools

A. On-campus Laboratory Schools

The faculty of laboratory schools, at the discretion of the college, may or may not have academic rank. In either case the salary may be paid by the college. Each faculty member, if

given academic rank, shall be paid salary equal to that received by other faculty members of equal training, experience, and merit. If not given academic rank, the teacher in the laboratory school may be paid a salary equal to that which they would be paid if they were teaching the the parish or city system, plus up to \$1,500 per year to be paid by the college as a supplement for their participation in the teacher education program. Supervising teachers who are required to teach college-level classes may be paid for this service.

B. Off-Campus Laboratory Schools

Effective the school year 1976-77, the college or university shall pay a salary to fully qualified and certified cooperating teachers in accordance with the following schedule:

1. \$200 per semester for first student teacher at a given school;
2. \$175 per semester for the second student teacher at a given school;
3. \$50 per semester for each additional student teacher to a maximum of \$500 for the semester at a given school.

The college or university shall pay principals of schools where student teaching is done according to the following schedule:

\$50 per semester for each cooperating teacher used in the program to a total of ten (\$500 is the maximum per semester that may be paid a principal).

Off-campus supervising teachers and principals must be in full compliance with the college and university rules and regulations in order to receive this money.

Section 7.15 Uniformity

- A. The college presidents shall inform all administrative and academic personnel in the respective colleges that:

1. With regard to salaries, the Board recognizes that there is a difference among the colleges in the duties and professional qualifications of personnel holding positions described by the same or similar terms.

2. There is no desire to achieve uniformity among the colleges either in the duties of or salaries paid to administrative and academic personnel.

Part VIII

Student Personnel Policies and Procedures

Section 8.1 Opening Date

Any State college or university under the jurisdiction of the Board may change the date of the beginning of its school year in order that the first semester may end before the Christmas holidays. This permission leaves the opening date to the discretion of the individual institution.

Section 8.2 Admission—Transfers

In order to transfer, the student must be eligible to re-enter the institution from which he is transferring before he will be able to enter a college or university under the jurisdiction of the Board. No credit earned at another institution while under academic or nonacademic suspension will be accepted upon return to an institution under the jurisdiction of the Board.

Section 8.3 High School Students

- A. Incumbent upon a student making application, he shall supply a high school transcript and the record of the ACT test or the acceptable equivalent in order to be considered for admission. In the event that these cannot be supplied in time for admission, he may be considered for provisional admission. Part-time students may be admitted without ACT test or acceptable equivalent test.
- B. Early admission shall be allowed a student entering a college before twenty units of high school credit are earned if: (1) the student made a "B" or better average during six semesters of high school, (2) the student made an ACT score of at least 24, and (3) the student is recommended by his high school principal. Upon earning twenty-four semester hours at college, he may be granted a high school diploma by the appropriate Board.

Section 8.4 Special School Students

All colleges and universities under the jurisdiction of the Board shall accept students who have success-

fully completed the curriculum of the State School for the Blind, the Deaf, the Spastic, or Cerebral Palsy in order that such students may pursue a curriculum which they may be qualified to enter and complete in order to become certified as teachers.

Section 8.5 Minimum Class Attendance Regulations for the Colleges and Universities Under the Control of the Board

- A. Class attendance is regarded as an obligation as well as a privilege, and all students are expected to attend regularly and punctually all classes in which they are enrolled. Failure to do so may jeopardize a student's scholastic standing and may lead to suspension from the college or university.
- B. Each instructor shall keep a permanent attendance record for each class. These records are subject to inspection by appropriate college or university officials.
- C. A student shall submit excuses for all class absences to the appropriate official(s) designated by the president within three class days after the student returns to his respective class. The appropriate official may excuse a student for being absent and the faculty member shall accept an official university excuse.
- D. When a freshman or sophomore student receives excessive unexcused absences (a minimum of four) in any class, the instructor may recommend to the student's academic dean that he be withdrawn from the rolls of that class and given an appropriate grade.
- E. Faculty members are required to state in writing and explain to the students their expectations in regard to class attendance prior to the close of the drop and add period.

Section 8.6 Standards for Student Conduct

- A. The presidents of the colleges and universities under the jurisdiction of the Board have the right and are urged to draft reasonable regulations concerning codes of conduct, behavior, and decorum.
- B. Each university shall require in their Code of Conduct the following minimal breaches of student conduct:

1. Intentional obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university/college-authorized event.
2. Unauthorized occupation or unauthorized entry into any university/college facility.
3. Physical abuse or threat thereof against any person on campus or at any university/college-authorized event or other conduct which threatens or endangers the health or safety of any such person.
4. Theft or damage to property of the university/college or to a person on the campus.
5. Intentional interference with the right of access to university/college facilities or with any lawful right of any person on the campus.
6. Setting a fire on the campus without proper authority.
7. Unauthorized use or possession on the campus of firearms, ammunition, or other dangerous weapons, substances or materials.
8. Aiding or inciting others to commit any act of misconduct set forth above.

2. If his or her matriculation and participation with the university has been suspended or terminated.

- D. The president of each college or university under the jurisdiction of this Board shall adopt and promulgate a due process procedure for the hearing of any student whose substantial rights involving further participation as a student have been suspended or terminated. Such procedures to insure due process of law in disciplinary matters shall, as a minimum, provide for notice and hearing at which the student may offer and present evidence on his behalf, to be conducted before an impartial person and/or committee composed of members of the university community, with the final ruling subject to review by the president. Whenever the subject matter is of sufficient import, such as separation or suspension of the student from the university, the student shall be entitled to representation by counsel for which the student himself makes provision, and insofar as possible, a written record be maintained setting out findings of fact and the final ruling.

- E. An appeal hereunder by a student shall be filed in writing with the Executive Director of the Board. Where it appears to the said Director that on-campus due process procedure has been exhausted, as herein required, and that a written record thereof, if any, accompanies such application for appeal including the final decision of the president, said Director shall notify members of the Board of the filing of such appeal for review. Where notification of the filing of an appeal has been given by the Director as aforesaid, the President of the Board or, in his absence, the Vice-President or members of the Board as is provided by the general procedures of the Board may take the following action:

1. A special or regular meeting of the Board may be designated at which time a hearing be conducted on the appeal.
2. In the alternative, a special committee may be appointed by the President or in his absence the Vice-President, composed of not less than three members of the Board and such other persons as may be named by the President for the purpose of conducting a hearing on the appeal presented, provided that no final adjudication shall be taken by such committee until the findings and

Section 8.7 Due Process

- A. Students shall have due process in disciplinary matters at each of the colleges and universities under the jurisdiction of the Board of Trustees.
- B. This Board has been kept fully advised of developments and jurisprudence in both the Federal and State courts pertaining to due process procedural requirements affecting students. The Constitution and laws of Louisiana authorize this Board to adopt rules of procedure pertaining to due process. This Board intends to provide for due procedures for the benefit of students and institutions under its jurisdiction by the adoption of this Section.
- C. Any student who has exhausted all the on-campus administrative appeal procedures may appeal his or her grievance to the Board of Trustees:
 1. If he or she has been denied the right to live off-campus after application duly made or,

recommended decision of the committee have been approved by the Board.

- F. Any hearing by the Board or by committee of the Board hereunder shall be scheduled at a time which will permit reasonable notice thereof to be given to the appellant and the subject university. At the hearing, the appellant shall, in the discretion of the body conducting the hearing, be entitled to representation by counsel, provided legal representation as also allowed to the subject university and where the record on appeal warrants, the right to present additional evidence on the appellant's or university's behalf and to present oral argument. Where the hearing is conducted by a committee of the Board, the findings of the committee shall be reduced to writing and submitted to the Board for final action.
- G. Rules of procedure for insuring due process of law with respect to any application for parietal rules exemption may be in accordance with suggested form, a copy of which is on file in the Board of Trustees' office and marked as "Exhibit 1." This Exhibit 1 may be amended, modified, and supplemented by the president of the university or any person or committee approved by him. The final form of procedure shall be approved by the president and promulgated by inclusion in the annual university catalogue or other publication of the university to which the student shall have access.

Section 8.8 Residence of Students

A. State Policy

The Legislature of Louisiana has found and declared that the security and welfare of the State requires that this and future generations of Louisianians be assured of an ample opportunity for the fullest development of their intellectual capabilities and that this opportunity will be jeopardized unless colleges and universities accommodate youth who aspire to a higher education. The constitutionally and lawfully designated governing authorities of institutions of higher learning have determined that these needs were so great that it was incumbent on such boards to take positive action which has consisted of:

1. Establishment of new commuter college facilities; and

2. Acquisition and construction of essential housing, dining, student life, and academic building facilities for established institutions.

During the period of 1955-1965, the growth of such academic and nonacademic facilities on the campuses of the institutions of higher learning in Louisiana were extended and improved to meet the increasing enrollments. It has been and is the philosophy that higher education in the State of Louisiana should consist of and include in addition to the basic and primary academic pursuits the additional enrichment afforded by student life facilities and programs as, for example, lectures and appearances by prominent national and international figures, social events, special movies and films, performances of music, dance and opera groups, plays and traveling theater groups, and activities of student organizations and scholastic societies. It is further the philosophy of higher education in the State of Louisiana that all such activities and functions form a part of the total higher educational experience; that the acquisition and construction of dining, residence halls, and student life facilities provide a means of conducting such activities which are an integral part of the functions of a university; that residence hall life on the campus of institutions of higher learning can, where provided and operated in an enlightened manner, be an important part of the total education of each student, providing an opportunity for an independence that develops responsibility, consideration for others and self-discipline; that life on the campus of modern American colleges and universities its a "give and take" environment—an enrichment which promotes personal, social, and academic development; that the student is afforded the opportunity to further develop his interests, abilities, and skills; that opportunity of association of older students with the younger or less experienced is an educational asset; that providing dining facilities assures a balanced and healthful diet, at an economical cost to the student, essential to successful studies and a healthy mental and physical being; that student life facilities provide a means of organization and financing through which many important activities, services and facilities could not otherwise be made available to the several colleges and universities throughout Louisiana. It is further the philosophy of higher education in the State of Louisiana as interpreted by this Board that

while dormitory life is a valuable experience and an integral part of the educational program, it is not necessarily essential over the full span of every student's university life. It is consistent with this philosophy and because of a need to provide, in an efficient and economic manner, basic housing, dining and student life facilities, the State, acting through the Louisiana State Board of Education, has in prior years entered into agreements for the financing of housing, dining, and student life facilities by the issuance, sale, and delivery of revenue bonds and other forms of indebtedness which are secured by incoming revenues derived from the utilization of such facilities to an optimum advantage of the student body and that such use in the future is guaranteed by such State "parietal rules," which parietal rules are binding upon this Board. For many years, such parietal rules commitment has been provided for and relied upon as an essential requirement by the U. S. Government and private buyers of higher educational revenue obligations in the United States which rules have been upheld in a number of court decisions including rulings of the Supreme Court of the United States. The State, acting through the Board of Trustees for State Colleges and Universities, is vested with the constitutional power, obligation, and duty of exercising such reasonable administrative control and police power to protect the individual students and student bodies, together with the institutions of higher learning the opportunity to avoid effects of improper and unsuitable housing conditions and health hazards. Accordingly, this Section is adopted by the Board to ratify and confirm "parietal rules" heretofore adopted and binding on this Board and to further define purposes and philosophy in the utilization of on-campus housing, dining and other nonacademic facilities provided for student life for the use and benefit of the students of institutions of higher education under this Board's jurisdiction and control and that such definition of policy has for its essential intent and purpose the carrying out of the objectives of higher education of the State of Louisiana as outlined herein.

B. Definitions

That herein in this Section 8.8 the following words and phrases shall, in the absence of clear indication herein otherwise, be given the following respective interpretations: words imparting

the singular number include the plural number and vice versa.

1. "College or university" means all of the colleges and universities under the jurisdiction of the Board of Trustees for State Colleges and Universities or any one or more of such institutions of higher learning.
2. "On-campus residence requirement" means the requirement enunciated in Part C of this Section.
3. "On-campus residence halls" means housing and dormitory facilities owned or operated by a college or university and situated on or adjacent to the main campus of any auxiliary campus of a college or university.
4. "Dining hall" means a dining hall owned or operated by a college or university including snack bars, cafeterias, or restaurant facilities whether located on or adjacent to the main campus or auxiliary campuses of a college or university.
5. "Student life facilities" means student union buildings, field houses, stadia, auditoriums, theaters, book stores, swimming pool facilities, tennis court facilities, archery ranges and any other sports, games and special activity areas designed to enrich higher education by providing students with recreational, cultural, and educational benefits and whether or not such facilities are used part time for basic academic purposes of the college or university.
6. "Live off campus" means to have a place of residence which is not an on-campus residence hall whether or not such residence is actually situated on or off the campus or any auxiliary campus of a college or university.
7. "Normal capacity for housing students on campus" or "as long as space is available" means the number of students that can be accommodated in on-campus residence halls, dining halls, and related student life facilities as computed and determined for each college or university by proper officials thereof taking into account the aggregate design capacity or adjusted capacity of all on-campus residence halls, dining halls,

and related student life facilities for undergraduate students less a vacancy contingency factor computed at ten percent of the aggregate design or adjusted capacity of such facilities.

8. "Annual operating procedure" means the language employed in the general catalogue, handbook or handbooks or such other official documents or instruments of a college or university as prepared and approved by proper officials to promulgate the general rules and regulations, schedules, purposes, and policies under which such college or university is to be operated for a designated period of time including the on-campus residence requirement.
9. "Unmarried undergraduate student" means an undergraduate student who is not married, or, if previously married, an undergraduate student who is not currently residing with his spouse while attending a college or university.
10. "Proper officials" means the president of a college or university and the officers designated by him who are authorized and empowered to take the respective actions authorized by this Section.
11. "Graduate student" means a student who has been duly admitted to a graduate school of a college or university.
12. "Freshman" means an undergraduate student who has not yet earned thirty semester hours and sixty quality points of college credit.
13. "Sophomore" means an undergraduate student who has earned a minimum of thirty semester hours and sixty quality points.
14. "Junior" means an undergraduate student who has earned a minimum of sixty semester hours and one hundred twenty quality points.
15. "Senior" means an undergraduate student who has earned a minimum of ninety semester hours and one hundred eighty quality points.

C. On-Campus Housing Rules—Exemptions

It is the policy and philosophy of higher education in the State of Louisiana as interpreted by this Board (subject to recognition by this Board of the differences that exist between the several colleges and universities and the need for reasonable flexibility in the administration thereof) that all unmarried full-time undergraduate students, regardless of age or whether or not emancipated, are required to live in on-campus residence halls as long as space is available. It is anticipated that each college or university will continue to adopt and set out in its general catalogue, special handbooks and such other documents or instruments as deemed appropriate, an annual operating procedure anticipating and taking into account the policy herein re-enunciated. It is the intention hereof that reasonable flexibility be reserved to proper officials in the application of this resolution, taking into account all relevant factors including, for example, the ratio of undergraduate students to on-campus residence halls, provided that in any event, the annual operating procedure for each college and university shall afford students a basis for planning with certainty, individual residence requirements on the basis of a complete school year, or unit. Exemptions from on-campus residence requirement may be granted by proper officials of each college or university:

1. In any case where it appears that a full-time undergraduate student will otherwise suffer significant hardship or because of sufficient financial, medical, or other good and sound reasons shown.
2. In the case of older students, as, for example, (a) a returning military veteran; (b) a previously married person where proper officials make a finding of fact that such individual is by virtue of age and experience incompatible with the educational objectives and values sought to be provided by on-campus residence herein outlined.

D. Right of Appeal

Any student who has applied for and been denied an exemption to the on-campus residence requirement shall have the right to appeal such decision of proper officials in accordance with the requirements of Section 8.7 herein.

E. Student Life Facilities

Because of the interrelated nature of the use, operation, and financing for housing, dining, and student life facilities, the policy where applicable, requiring undergraduate students who reside in on-campus residence halls to have included as a part of the cost of such housing the cost of dining is hereby reaffirmed, it being the policy of the State to hold the cost of higher education as level as possible for the benefit of each individual student and the successful and economic operation of dining halls by a college or university is dependent upon optimum and efficient utilization thereof by students to be benefited thereby. Charges, income, and fees authorized to be levied and collected for the availability, use, and benefit of student life facilities to pay a portion of the cost of providing combined on-campus residence halls, dining halls, and student life facilities are ratified, approved, and confirmed in the respective amounts applicable to each college or university.

F. Order of Exemptions When Space Is Not Available

Exemptions from on-campus residence requirements are authorized to be granted by proper officials of each college or university in accordance with criteria established in Part C of this Section. In addition to the provisions of Part C, proper officials of each college or university are further authorized and empowered to grant exemptions from on-campus residence requirements when space is not available in on-campus residence halls. In order to afford proper officials an interpretation by this Board for the granting of such latter exemptions which is consistent with the objectives and purposes of higher education in the State of Louisiana and in order to assure equal treatment and protection to students similarly situated, the following order of priority in the granting of permission to live off campus is authorized to be followed:

1. First, undergraduate students living with parents, grandparents, married brother or sister or in supervised sorority or fraternity housing.
2. Second, seniors.
3. Third, juniors.

4. Fourth, sophomores.

5. Fifth, freshman.

Subject to the foregoing, the following additional rules of priority shall be applied:

1. First shall be the students who have resided in off-campus housing for the longest period of time since attending the institution.
2. Second, in accordance with the order of date of application filed. (A list may be kept of those full-time undergraduate students indicating a desire to live off campus, showing the date each application was made.)

A blanket permission to live off campus may be provided in the annual operating procedure to be adopted by each college and university in respect to one or more of the foregoing classifications of students in the order of priority shown as determined by proper officials. It is the intention hereof to reserve to proper officials of each college or university reasonable flexibility in the administration of this Section so that the individuality, unique academic character, the academic traditions, objectives, and special qualities of each of the institutions may be preserved and improved in the manner and with the success that has characterized higher education in the United States since its inception.

- G. The resolutions and actions of the State Board of Education heretofore adopted in establishing parietal rules for colleges and universities that are binding on this Board, and any provisions of this Section or Section 8.7 that is found by a court of competent jurisdiction to be in conflict therewith is, to the extent of such conflict, hereby repealed, and the remaining provisions hereof shall remain in full force and effect and the provisions of this Section are declared to be severable.

Section 8.9 Academic Status of Students

A. Full-time Students

For the purpose of determining full-time students, the following semester hours shall be used: twelve hours for the undergraduate student, nine hours for the graduate student, six

hours for the summer graduate student. Special students as determined by the individual colleges and universities may be considered full-time students. For those colleges or universities under the quarter system: a full-time undergraduate student is one taking at least eight semester hours a quarter; for the graduate student, the minimum load to qualify as a full-time graduate student is six semester hours per quarter.

B. Part-time Student

Any student taking less than twelve semester hours in a regular semester or less than six semester hours in a summer session will be a part-time student. For those colleges or universities under the quarter system: a part-time undergraduate student is one taking less than eight semester hours a quarter.

Section 8.10 Academic Scholarships

- A. A maximum of eighty academic scholarships will be allocated to each college or university under the jurisdiction of the Board to be administered by the individual institution. The value of each scholarship shall not exceed \$1,000 per academic year of nine months for the payment of the necessary college expenses. The scholarships shall be awarded to full-time students for a maximum of four years or until a bachelor's degree is obtained, whichever is the shorter period. The selection shall be made from Louisiana applicants by a faculty committee without regard to department choice.

The selection of the recipients of these scholarships will be made on the basis of the following criteria:

1. Performance on American College Testing Examination (ACT) or other nationally recognized scholarship aptitude examination.
2. Past achievement as revealed by the high school record.
3. Statements pertaining to ability and character to be secured by the faculty committee of the college directly from high school principals and teachers.
4. Health records sufficient to indicate physi-

cal ability and mental stability necessary to attain college goals.

5. Information obtained from a personal appearance by the applicant before the faculty committee.
6. The recipient of the scholarship must maintain a "B" average each semester.
7. No student who is a recipient of other financial aid from State funds shall be eligible for one of these scholarships.

The awards will be made to the applicants best qualified according to these criteria. In the event of essentially equal qualifications of applicants, need of the applicants will also be used as a determining factor.

- B. The colleges and universities under the jurisdiction of the Board shall fully utilize the eighty academic scholarships at each institution.
- C. An academic scholarship recipient is restricted from receiving a second scholarship involving State funds, except in the case of the Louisiana High School Rally Scholarship since it is funded by the State Legislature under the provisions of a special Act of the 1972 Legislature.

Section 8.11 Scholastic Deficiencies

- A. Scholastic Probation, Suspension, and Readmission Regulations are:
1. A full-time or part-time student who does not make a "D" average (1.0) on all hours pursued during a semester will be dismissed for one semester.
 2. A full-time or part-time student who makes an average ranging from 1.0 to 1.5 on all hours pursued during a semester will be placed on probation.
 3. A student on probation will be given one semester to make a "C" average (2.0) on all hours pursued during that semester which will remove him from probation; if he does not make a "C" average on all hours pursued during the semester, he will be dismissed for one semester.
 4. After the lapse of one semester, a student

may re-enter on probation; but he must make a "C" average on all hours pursued during the semester, or he will be dismissed again.

5. A student who resigns after nine weeks of a semester will receive at the time of withdrawal grades of WA, WB, WC, WD, or WF; these grades will be used in computing his academic status.
6. A student dismissed at the end of the spring semester may attend the summer session, but he must remain out during the fall semester. Grades earned during summer session do not change the probational or dismissal status of a student.
7. A student suspended for scholastic deficiencies may re-enroll after the expiration of one semester until his fourth dismissal, which dismisses him permanently.
8. A student under suspension for scholastic reasons may not obtain credit toward a degree on courses pursued at another institution during the period when he is ineligible to register in an institution under the jurisdiction of the Board.

Honor Roll:

Any regular student who makes a "B" (3.0) average or better in any semester on all hours pursued shall be placed on the honor roll for that semester.

Quality Point System:

Institutions under the jurisdiction of the Board shall adopt the quality point allotment of four points for an A, three points for a B, two points for a C, one point for a D, and zero points for an F; therefore a 2.0 means a "C" average.

Appeal:

These are minimum standards and are to be administered by the appropriate faculty committee in each institution of higher education under the jurisdiction of the Board. Appeals must be made to the committee that is going to execute the rules.

- B. A full-time or part-time student who does not make a "D" average (1.0) on all hours pursued

during a semester will be dismissed for one semester except first semester freshmen who will be placed on probation.

- C. A student, after having been dismissed the fourth time, may be allowed to appeal his case for readmittance for one more and final time, provided there has been a lapse of a reasonable period of time since the fourth dismissal.

Section 8.12 Student Government Associations

The Board recognizes the value of the Student Government Associations at the institutions under the jurisdiction of the Board and encourages the establishment of Student Government Associations which are mutually beneficial to the student body and the institutions. The Student Government Association shall operate under a constitution approved by the president of the institution. Institutions under the jurisdiction of the Board are authorized to collect Student Government Association fees approved by the Board and maintained in separate institution accounts. Funds may be withdrawn from a said institution account by authorization of a legally constituted body of the Student Government Association with the approval of the institution's chief student personnel officer and/or his designated agent.

Part IX

Athletic Policies and Procedures

Section 9.13 Athletic Contracts

- A. Intercollegiate Athletic Contracts or Agreements

Intercollegiate athletic contracts or agreements for all games and events must be reviewed and, to be valid, must be approved by the Board of Trustees for State Colleges and Universities. Once approved by the Board of Trustees, the contracts will then be sent to the Board of Regents for their review and approval. However, institutions are authorized to enter into binding intercollegiate athletic contracts without prior approval of the Board of Trustees providing that contracts are on a home and home basis, further providing that the amount of game guarantees are of an equal amount, and providing that said contracts contain a penalty clause that will require full payment of the game guarantee in case of cancellation for any reasons, except for reasons beyond the control of the contracting

parties as determined only by the Athletic Committee of the Board of Trustees.

Procedurally, the athletic directors shall distribute copies of the contract as follows:

1. One copy of the proposed contract to the Coordinator of College Athletics.
2. Two copies of the proposed contract to the Executive Director, Board of Trustees.

The contract shall be all-inclusive and should reflect the final terms of the proposed agreement. The contract must be approved and signed by the president of the contracting institution under the jurisdiction of the Board of Trustees. It shall have attached an explanation of terms and a statement of its benefit to the institution. The Coordinator and the staff of the Board of Trustees will, upon receipt, review each document and present it to the Athletic Committee of the Board for its review and transmittal to the full Board of Trustees.

However, colleges and universities may be allowed to proceed with the signing of athletic contracts provided the Commissioner of Athletics and the Athletic Committee review the information needed and authorize the signing thereof. This is necessary because of the urgency of the signing of the contracts and the irregularity of the schedule of Board of Trustees' meetings.

Bill Junkin
Executive Director

RULES

Governor's Consumer Protection Division

(Editor's Note: The following rules were adopted on April 5, 1976, by the Governor's Consumer Protection Division, and approved on April 6, 1976, by William Guste, Attorney General, and Lee Wesley, Consumer Protection Advisory Board President.)

Rules and Regulations

Title 3: Unfair Methods of Competition and Unfair or Deceptive Acts or Practices in Trade or Commerce

Chapter II – Unfair and Deceptive Acts or Practices

Section 5007. Deceptive Pricing

A. Definitions – For the purpose of this rule the following definitions shall apply:

- (1) "To advertise" as used herein means to inform consumers and to represent by any means such as, but not limited to, oral statements, shelf tags, pre-ticketing, display cards, handbills, and advertisements in newspapers, magazines, or on radio or television.
- (2) "Trade area" as used herein means the area in which the seller does business and to which the seller disseminates advertising of his goods and/or services.
- (3) "Advertiser" means any person or firm which advertises prices to consumers.
- (4) "Merchandise" means all wares and commodities, including services, such as are ordinarily the objects of trade and commerce.

B. It shall be an unfair and deceptive act or practice for any seller to do any of the following:

- (1) Represent in any manner that by purchasing any of the seller's merchandise, consumers are afforded savings amounting to the difference between the stated selling price and any other price used for comparison with that selling price, unless the comparative price used represents the price at which the merchandise is usually and customarily offered for sale in a legitimate manner and/or sold at retail in the trade area involved and/or is the price at which such merchandise has been usually and regularly offered for sale in a legitimate manner and/or sold at retail in the recent regular course of seller's business.
- (2) Represent that any price is "special," "discount," "sale," "reduced to," or anything except the usual and customary price at which the good or service sells, unless the reduction is in fact from the seller's preceding price or from the bona fide price at which the article was offered for sale for a reasonably substantial period of time.
- (3) Using the words "list price," "suggested retail price," "retail price," "ret. price," "regular price," "reg. price," or words of similar import

to refer to the price of any merchandise, when such price is fictitiously inflated or deceptively higher than the price or prices at which such merchandise is usually and customarily offered for sale in a legitimate manner and/or sold in the trade area; or otherwise misrepresenting the usual and customary retail selling price or prices of such merchandise in the trade area.

- (4) Using the words "regular," "reg.," "retail," "ret.," or words of similar import to refer to the price of any merchandise which is in excess of the price at which such merchandise has been usually and regularly offered for sale in a legitimate manner and/or sold by retail outlets in the trade area in the regular course of business; or otherwise misrepresenting the usual and customary retail selling price of such merchandise.
- (5) a. Failing to keep on file, subject to review by the Governor's Consumer Protection Division or the Attorney General's Office or the Office of the District Attorney in the appropriate judicial district, or any of their employees or duly commissioned agents, the evidence, proof, market survey, or basis supporting the fact that any price compared to a stated selling price is, in truth, the usual and customary price of the person, store, business, or owner, agent, or employee thereof representing the price comparison; or is the usual and customary price at which merchandise has been regularly offered for sale in a legitimate manner and/or sold by comparable retail outlets in the trade area served by the advertiser.
- b. Printed documents furnished by the manufacturer or nonretail distributor indicating suggested retail prices may serve as initial evidence, proof, or basis supporting a comparative price within the requirements of this section. If such printed documents furnished by the manufacturer or nonretail distributor indicating suggested retail prices are not acceptable to the Governor's Consumer Protection Division or the Attorney General's Office or the Office of the District Attorney in the appropriate judicial district or any of their employees or duly commissioned agents, then the burden of proof shall be on such agencies and their employees or commissioned agents to disprove such documents.

(6) Section 5007 shall not act to bar a legitimate and bona fide introductory offer wherein a reduction in price is used for an article that will within the near future have a higher price. For example, it shall not be illegal under Section 5007 to offer a new item for sale for a price of \$75 in order to introduce it to the market and to so state the price as being the reduction from a regular price of \$100 when within the near future the regular selling price of the item will be \$100.

(7) Representing, either expressly or impliedly, lowered prices as a result of some unusual circumstances such as, but not limited to, fire, flood, going out of business, clearance, exceptional purchase, manufacturer's close out, special purchase, unless such unusual circumstances or circumstances are in fact true and the prices are actually lower than the seller's usual prices.

C. Whoever engages in deceptive advertising violates R.S. 51:1405 (A), prohibiting, inter alia, unfair and deceptive trade practices; provided further that this rule shall not operate as an exclusive definition of prohibited conduct in the area of trade and commerce to which it applies or in any other area of trade and commerce, nor shall it operate as a defense to other activities otherwise deemed to be an unfair method of competition or an unfair or deceptive act or practice in trade and commerce by the State of Louisiana, the Federal Trade Commission, or by the courts of the State of Louisiana or of the United States.

D. If any part of this rule is ever legally declared to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end, this rule is declared to be severable.

E. All rules and regulations or parts thereof in conflict herewith are hereby repealed.

* * * *

Resolution

Be it resolved, that it is not the intent in the adoption of Consumer Protection Rule 3:5007 — Deceptive Pricing — that the prohibitions contained therein would proscribe the comparison by licensed new car and truck dealers between the Federally required sticker price and their actual offering price.

Charles W. Tapp
Director

RULES

Health and Human Resources Administration

Licensing Procedures of Alcoholism and Drug Abuse Programs

(Editor's Note: These rules will become effective on July 1, 1976.)

The primary authority to license facilities which offer treatment, rehabilitation, education, and prevention services for the alcoholic and for the drug dependent person is established by the provisions of Act 364, Regular Session of 1975, comprising R.S. 40:1057.1 through R.S. 40:1057.9. In addition, the authority for the licensing of alcoholism and drug abuse facilities is established in part by the provisions of Act 90, Regular Session of 1961, as amended; and in part by Act 15 and Act 22, Title 22, Section 215.3, Regular Session of 1974.

A. Licensing Procedures

1. Licensing Optional

a. The provisions of Act 364 of 1975, Section 1057.2 are documented to provide optional licensing of comprehensive care centers or any component centers thereof which are designed to offer a broad range of services to individuals who have problems associated with alcohol abuse and alcoholism, and drug abuse and drug dependency.

b. It is recommended that the governing body of each respective alcoholism or drug abuse program, for both public agencies and nongovernmental agencies, vote whether or not to apply for the licensing of its program or any component thereof.

2. Application Procedure

a. For initial licensing, applicant must complete form of application supplied by the State licensing authority. Each completed form of application for licensing should be mailed or delivered to the Licensing and Certification Section, Division of Management, Room 1013, Natural Resources Building, P. O. Box 3767, Baton Rouge, Louisiana 70821.

b. This completed form of application must be received by the Licensing and Certification Section ninety days prior to the date for which licensing is sought. The application shall be accompanied by a

license fee of fifty dollars. (State of Louisiana alcoholism and drug abuse facilities are exempt from this licensing fee.)

3. Initial Licensing and Renewal

a. The initial licensing procedure for meeting the standards of Act 364 of 1975 is the same for renewal. A license once issued shall be effective for one year and subject to annual review.

b. The initial application for licensing shall be considered a continuing application for licensing unless the governing body of the alcoholism program and/or drug abuse has withdrawn its application or said application was denied, revoked, or not renewed by the Commissioner of the Louisiana Health and Human Resources Administration.

c. Under the provisions of Act 364 of 1975, a provisional license may be issued to a center (alcoholism or drug abuse) for a period not to exceed six months in cases where full compliance with standards require an extension of time.

d. If the alcoholism or drug abuse facility is a subdivision of another licensed facility, but not part of the physical plant, then the main facility shall be licensed according to its basic function; and the program component shall be licensed separately and distinctly according to the provisions embodied in this Manual of Standards.

4. Facilities Exempt for Licensing

The following identified facilities are exempt from the statutory licensing provisions of Act 364 of 1975:

a. Hospitals licensed under R.S. 40:2100.

b. Nursing homes licensed under R.S. 40:2009.

c. Facilities or services operated by the Federal government.

5. Procedure of Sight Review for Licensing

a. The State licensing authority, the Licensing and Certification Section of the Division of Management of the Louisiana Health and Human Resources Administration shall utilize the site review process by field staff personnel to make a thorough investigation of each center (alcoholism and drug abuse) proposed to be licensed. The purpose of the site visits is to determine if each applicant for licensing is meeting the minimum

standards as prescribed in the regulatory procedures under the provisions of Act 364 of 1975.

b. The findings and recommendations of the site review by staff personnel of the State licensing authority shall be submitted in writing to the facility within forty-five calendar days after the site visit.

6. Summary of Other Major Provisions of Act 364 of 1975

a. Effective date for the implementation of the provisions of Act 364 of 1975 has been established by the agency to be on the date beginning July 1, 1976.

b. For applicant's cooperation and compliance with the codes and rules of the State Fire Marshal, parish and multiple-parish health units, or municipal boards of health, see Section 1057.4, Act 364.

c. For the listing of the grounds relevant to the denial, revocation, or nonrenewal of a license, see Section 1057.5, Act 364.

d. For the procedures established concerning the notice for nonrenewal or revocation and the process for hearing or appeal by an applicant or licensee, see Section 1057.6, Act 364.

e. For the center's cooperation with the right of the agency to make inspection of its records and reports, see Section 1057.8, Act 364.

f. For the established term of license, amount of renewal fee, display of license, and the provisions for nontransfer of a license or provisional license, see Section 1057.8, Act 364.

g. For the statutory provisions which empower the agency to impose penalties on a licensed comprehensive care center or component center thereof for violation of the established standards, see Section 1057.9, Act 364.

7. Technical Assistance

Alcoholism and drug abuse treatment, rehabilitation and educational programs, which encounter difficulty in meeting the licensing criteria set forth in this document of standards may obtain technical and other assistance from the Office of the Licensing and Certification Section, Division of Management, Room 1013, Natural Resources Building, P. O. Box 3767, Baton Rouge, Louisiana 70821.

William H. Stewart, M.D.
Commissioner

RULES

Board of Regents

Policy A: Regulations and Procedures for Making of Payments to Nonpublic Institutions of Higher Education for Educating Louisiana Residents Pursuant to Act 562 of 1975 Legislature.

In promulgating these regulations and procedures, the Board of Regents makes the following findings: That both the Federal and State of Louisiana Constitutions prohibit the enactment of any law respecting an establishment of religion, and that Act 562 of the Regular Session of the 1975 Louisiana Legislature (the "Act") was enacted within the framework of such constitutional proscriptions; that the Act has a secular purpose; that the public has an interest in nonpublic institutions of higher education and that a program of aid to such nonpublic institutions will have the effect of saving the taxpayers of Louisiana substantial amounts of money, which would have to be expended to expand public institutions of higher education in order to meet the growing demands on such institutions if nonpublic institutions were not available to meet the increasing student load; that the Act specifically prohibits aid thereunder to any institution which discriminates on the basis of race or religion in its admission policies, and prohibits aid for educating any student majoring in theology or divinity; that, by reason of the Federal and State constitutional proscriptions, the Act also prohibits aid which might be utilized by a recipient institution for any sectarian purpose; and that the Board has the power and authority to promulgate these regulations in order to ensure that the administration of the Act conforms with applicable Federal and State constitutional proscriptions and to provide for the orderly administration and enforcement of the Act within the framework of all constitutional provisions.

Pursuant to the provisions of Act 562 of the Regular Session of the 1975 Louisiana Legislature (R.S. 17:2053, et. seq.), the following regulations and procedures are adopted by the Board of Regents:

.01 Applicability; Effective Date

The regulations and procedures contained herein shall apply to the program of aid to nonpublic institutions of higher education provided for by Act 562 of 1975 (R.S. 17:2053, et. seq.), as amended from time to time. These regulations and procedures shall be effective beginning with the expenditure, reporting, and verification of aid awarded for the 1976 fiscal year, and shall apply in all respects for subsequent years.

.02 Definitions

In these regulations the following terms have the meanings indicated.

A. "Act" means Act 562 of the Regular Session of the 1975 Louisiana Legislature, as the same may be amended from time to time.

B. "Board" means the Board of Regents.

C. "Eligible institution" means an institution designated in paragraph D of the Act, provided such institution admits students without regard to race, religion, color, or national origin, and admits and matriculates students without regard to employment status.

D. "Louisiana resident" means any student who is enrolled in an eligible institution and who maintains a true, fixed, and permanent home and place of habitation in Louisiana. The residence status of students who are minors or have reached the age of majority but are not self-supporting will be deemed to be the same as their parent(s) or guardian(s). The residence status of all other students shall be determined independently, and any other student who meets the requirements of any one of the following three criteria shall be deemed a Louisiana resident: (i) a Louisiana high school graduate; (ii) parents permanently reside in Louisiana; or (iii) students who have resided in Louisiana for a minimum of two years. In the determination of the residence requirement of subparagraph (iii) above, the minimum two-year residency provision shall be interpreted as meaning residence within the State of Louisiana by a student for a continuous period of two years immediately prior to being claimed for reimbursement purposes at an eligible institution.

E. "Program" or "academic program" means any series of courses arranged in a scope and a sequence leading to a degree or certificate, or which constitutes a major.

F. "Religious, seminarian, theological or divinity academic program" or "majoring in theology or divinity" means matriculation in any series of courses arranged in a scope and a sequence either leading to a degree or certificate from the eligible institution which indicates specialization in the study of religion or in religious, seminarian, theological, or divinity studies, or constituting a major in any of such subject matters under the rules and regulations of the eligible institution.

G. "Student" means only a student who is a Louisiana resident and who is not majoring in theology or divinity, and is classified as an undergraduate.

H. "Full-time student" is any student enrolled in an eligible institution who has, during semester, completed not less than twelve hours of recognized credit courses of study.

I. "Part-time student" is any student who has completed less than twelve hours of recognized credit courses during a semester.

.03 Computation of Amount of Semiannual Award

A. The amount of the semiannual reimbursement available to each eligible institution shall be determined in accordance with the provisions of paragraphs B and C of the Act and in accordance with the following rules:

(1) In the computation of the amount of any semiannual award to an eligible institution, the Board shall consider both "full-time students" and "part-time students" for the computations for reimbursement in accordance with paragraphs B and C of the Act.

(2) In the classification of a student for purposes of computation of reimbursement, there shall be excluded therefrom any student majoring in theology or divinity. Also excluded will be those students who are not students at the primary campuses of the eligible institutions. One or more institutions cannot be reimbursed in aggregate in excess of the limit for any one student.

(3) An eligible institution can not claim for reimbursement a student that is concurrently enrolled in a public institution of higher learning.

B. The required information shall be fully completed and filed with the Board and shall reflect the pertinent data for the preceding completed semester or semesters for which reimbursement is allowed under the Act. The information and format required may be revised from time to time by the Board in a manner consistent with these regulations. Information requirements and format will be furnished to all eligible institutions prior to the fall semester each year. However, this does not preclude the possibility of changes occurring at other times either by law or necessity.

C. For purposes of Section A, a student shall be deemed to be majoring in theology or divinity if, on or before the date of filing for reimbursement for any period, he has become a declared major in religion or in religious, seminarian, theological, or divinity studies, or has otherwise advised or indicated to the institution that he is seeking a degree or certificate indicating the type of specialization which characterizes a religious, seminarian, theological, or divinity academic program. In deter-

mining reimbursement under the Act, all credit hours of all such students majoring in theology or divinity shall be deducted, even if some credit hours are in nonreligious subjects which do not relate directly to such a program.

D. In the computation of total payments due any eligible institution with respect to the fifteen percent limitation imposed under paragraph F of the Act, the term "total educational and general expenditures" shall mean those expenditures that are generally accepted and as defined and established by the National Association of College and University Business Officers (NACUBO). In order to determine this fifteen percent limitation amount, it will be necessary for the eligible institutions to furnish a copy of their operating budgets to the Board. This will be required since annual financial statements will not be prepared until after disbursements are claimed and dispensed.

E. Reimbursement will be at one hundred percent of the amount generated if sufficient appropriated funds are available and on a pro rata basis if funds are insufficient for a one hundred percent reimbursement.

F. In the computation of the amount and semi-annual reimbursement to an eligible institution, there shall be excluded those students for which the institution is receiving funds under any other State capitation program.

.04 Administration of Program

A. The Board shall have the authority to verify the information submitted pursuant to Section .03 by examining the registration or other pertinent data upon which submissions are based and, should there be any discrepancies, to reconcile these differences and make the appropriate revisions to the reimbursement amount. The institution shall be given notice of any changes and an opportunity to discuss these changes with the Board prior to revision of the reimbursement amount.

B. The data required by the Regents must be completed and submitted no later than January 31 and June 27, of each fiscal year for which aid is sought, and shall consist of a pre-expenditure affidavit, and a statement that the institution proposes to use the State funds only for nonsectarian purposes. Copies of all information constituting an application will be distributed on a timely basis to all known eligible institutions, together with a copy of these regulations.

The pre-expenditure affidavit shall be in a form as prescribed by the Board; must be executed by the chief executive officer of the institution; and shall

contain his certification that no funds have been or will be received from the State for educating students then majoring in theology or divinity; that no funds received from the State have been or will be used for sectarian purposes; that no such funds have been or will be used to support a religious, seminarian, theological, or divinity program of said institution; and that the institution has adopted and will maintain and adhere to the accounting procedures described in Section E (of this regulation .04) until all State funds applied for have been expended and accounted for to the Board.

C. Following the receipt of applications, and based upon its determination under Section .03, semi-annual reimbursements will be paid as soon as possible to the eligible institutions after receipt and verification of all data from all institutions and approval of payment by the Commissioner of Higher Education.

D. No reimbursement shall be paid to any eligible institution if it has failed to submit an adequate utilization of funds report for any preceding semester in compliance with these regulations.

E. All eligible institutions shall adhere to the following accounting procedures in connection with their receipt, expenditure, and accounting of State funds pursuant to these regulations:

(1) Each institution will prepare its annual financial statements in accordance with generally accepted accounting principles as outlined in the National Association of College and University Business Officers' administrative service manual "College and University Business Administration."

(2) The budget for each institution must identify the specific areas of activity for which State funds will be expended.

(3) State funds, when received by the institution, must be placed in a special revenue account.

(4) Each budgeted segment of the institution must have an expense account number, where appropriate, for recording the expenditure of State funds.

(5) Each institution will retain for a minimum period of one year following reimbursement, sufficient documentation of the State funds expended to permit verification by the Board that no funds were spent for sectarian purposes, or in support of a religious, seminarian, theological, or divinity program.

(6) Should it become necessary to conduct

a verification or audit of the institution's records in connection with its expenditure of State funds, this process shall be conducted with dispatch and a minimal disruption of the institution's activities. It shall be strictly limited to such information and data as is necessary to determine whether or not there has been a misuse of funds. If the institution fails to cooperate fully with the Board in a manner to facilitate prompt and accurate completion of the verification or audit, it shall be ineligible to receive any further funds under the Act until it complies with the law and these regulations.

F. Prior to the end of each semester, the Board will send to all eligible institutions a utilization of funds report and a post-expenditure affidavit. The utilization of funds report shall be certified by the chief executive officer or chief financial officer of the institution and shall require the institution to describe and itemize the purposes for which State reimbursement funds have been expended during the preceding semester. The post-expenditure affidavit shall be executed by the chief executive officer of the institution and shall certify to the same stipulations required in the pre-expenditure affidavit. These reports and affidavits must be completed and filed in accordance with the requirements of these regulations before any application for aid for a subsequent semester will be acted upon.

G. Each eligible institution receiving reimbursement under the Act shall maintain complete and sufficient records of the residence status of all students who have been included by the institution in the computation of reimbursement and shall retain all such records for a period of not less than one year from the date upon which reimbursement has been applied for with respect to said students.

.05 Prohibition of Sectarian Use of Funds

A. The Attorney General of Louisiana has given the Board a formal opinion to the effect that, under the provisions of Article I, Section 8 of the Louisiana Constitution of 1974, the Act must be administered so as to prevent any State funds from being used for sectarian purposes, which includes the study of religion or theology. That opinion generally, therefore, proscribes the use of State funds to support religious instruction, religious worship, or other activities of a religious nature. If an institution is in doubt whether possible use of the funds might violate the sectarian use prohibition, it should consult with and seek the advice of the Board in advance of commitment. State funds may not be used to pay in whole or in part the salary of any person who is engaged in the teaching of religion or theology, who serves as chaplain or director of a campus

ministry, or whose responsibilities and effort totally support religious activities.

B. In the event an institution violates the prohibition against sectarian usage, it shall be ineligible to receive further State aid until repayment of the funds expended in violation of such prohibition has been made. If the Board determines that an institution has violated the prohibition and that the responsible officers knew or reasonably should have known that it was doing so, then the Board shall notify the institution, and the Board may declare that institution ineligible to receive further State aid either for a specified number of years or permanently, and so notify the institution. Representatives of the institution shall be given notice and an opportunity to appear before the Board and present pertinent information prior to any declaration of ineligibility.

An eligible institution shall have the right of appeal from any adverse decision of the Board under these regulations in the manner provided by the Louisiana Administrative Procedures Act.

* * * *

4.2 Guidelines for the Conduct of Off-Campus Activities

Part A. Narrative Statement

The Board of Regents, in accordance with its constitutional mandate to coordinate, plan, and have budgetary responsibility for all public higher education in Louisiana, sets forth the attached guidelines for the conduct of off-campus instructional activity. For purposes of these guidelines, off-campus instructional activity is defined as any instruction, credit or noncredit, conducted outside the parish of domicile of the following public institutions of higher education: Delgado Junior College, Grambling State University, Louisiana State University at Alexandria, Louisiana State University at Baton Rouge, Louisiana State University at Eunice, Louisiana State University at Shreveport, Louisiana Tech University, McNeese State University, Nicholls State University, Northeast Louisiana University, Northwestern State University, Southeastern Louisiana University, Southern University at Baton Rouge, Southern University at New Orleans, Southern University at Shreveport, University of New Orleans, and University of Southwestern Louisiana.

Conversely, on-campus instruction is defined as instruction offered for credit or noncredit by those

institutions named above in the parish of domicile of the main campus of that institution.

These guidelines are issued following extensive public hearings and consideration of recommendations offered by the Ad Hoc Advisory Committee on Off-Campus Activity. The sole purpose of the guidelines is to achieve greater efficiency and quality in the off-campus educational opportunities offered to the citizens of Louisiana, while, at the same time, assuring that the citizens' educational needs are met.

Continuing education, both credit and noncredit, is a most important facet of higher education today. The importance of this activity will undoubtedly increase in the future as the role of institutions of higher education changes to meet changing societal needs. The Board of Regents recognizes that it would be remiss to leave to chance the quality and efficiency of so extensive and important an aspect of public higher education in Louisiana.

Part B. Advisory Committee on Off-Campus Activity

There shall be established an Advisory Committee on Off-Campus Activity to be charged initially with the following responsibilities: (a) to aid and advise the Board of Regents in matters pertaining to the coordination of off-campus noncredit instructional activity and off-campus credit-producing instructional activity; (b) to advise the Board of Regents in the implementation and necessary timely revision of guidelines for the conduct of all off-campus activities; (c) to develop and maintain an adequate data-gathering format to assure the availability of timely, comparable information pertinent to the coordination of all off-campus instructional activities; (d) to assess the needs of the citizens of Louisiana for off-campus educational opportunities; (e) to perform the functions assigned to the Advisory Council in the following guidelines; (f) to perform other duties as assigned by the Board of Regents.

The Advisory Committee on Off-Campus Activity will be appointed by the Board of Regents no later than October 1, 1976, and will consist of a representative(s) from each of the three systems of higher education under the jurisdiction of the Board, from the private sector, and from consumers of off-campus instruction. These representatives will be nominated by the Commissioner of Higher Education and approved by the Board of Regents.

Part C. Noncredit Off-Campus Activity

Self-supporting noncredit off-campus activities may be conducted by any institution in any location in

the state. The term self-supporting in this instance is meant to require that faculty salary, travel expenses, and supplies for each activity be supported entirely by fees charged to participants in the activity.

- I. Noncredit off-campus activity is defined as instructional activity which does not result in the awarding of student credit hours.
- II. Noncredit off-campus activity must be self-supporting. State appropriated funds may not be used in direct support of noncredit off-campus activity, except where provided by law prior to the date of adoption of this policy.

Part D. Credit-Producing Off-Campus Activity

Credit-producing off-campus activity, defined as instructional activity for which student credit hours are awarded and/or formula-funding is provided, may be conducted by public institutions of higher education in accordance with the guidelines below. The guidelines apply to all credit-producing off-campus activity except for student teaching and other clinical, practicum, or internship experiences.

- I. Guidelines for the Conduct of Credit-Producing Off-Campus Activities by Level of Instruction
 - A. Lower level undergraduate, i.e., freshman and sophomore level, courses may be offered in accordance with the guidelines contained herein by the following public institutions of higher education: Delgado Junior College, Grambling State University, Louisiana State University at Alexandria, Louisiana State University at Baton Rouge, Louisiana State University at Eunice, Louisiana State University at Shreveport, Louisiana Tech University, McNeese State University, Nicholls State University, Northeast Louisiana University, Northwestern State University, Southeastern Louisiana University, Southern University at Baton Rouge, Southern University at New Orleans, Southern University at Shreveport, University of New Orleans, and University of Southwestern Louisiana.
 - B. Upper level undergraduate, i.e., junior and senior level, courses may be offered in accordance with the guidelines contained herein by the following public institutions: Louisiana State University—Baton Rouge, University of New Orleans, Louisiana State University—Shreveport, Southern Univer-

sity at Baton Rouge, Southern University—New Orleans, Louisiana Tech University, McNeese State University, Nicholls State University, Northwestern State University, Southeastern Louisiana University, University of Southwestern Louisiana, Grambling State University, and Northeast Louisiana University.

- C. Graduate level, i.e., masters, specialist, and doctoral level, courses may be offered in accordance with the guidelines contained herein by the following public institutions: Louisiana State University—Baton Rouge, University of New Orleans, Southern University—Baton Rouge, Louisiana Tech University, McNeese State University, Nicholls State University, Northwestern State University, Southeastern Louisiana University, University of Southwestern Louisiana, Grambling State University, and Northeast Louisiana University.

II. General Prerequisites for Offering Off-Campus Credit-Producing Instruction

- A. The sponsoring institution shall assure that any off-campus offering is related to the educational goals and objectives in effect on the main campus.
- B. Only those courses offered on-campus on a regular basis may be offered off-campus.
- C. Admission and state residence requirements for off-campus offerings shall be the same as those for on-campus offerings. This regulation applies to all off-campus offerings, including those conducted outside the State of Louisiana and outside the continental limits of the United States. Prior approval from the Board of Regents must be obtained to change rules applying to offerings conducted outside the State of Louisiana and outside the continental limits of the United States.
- D. A minimum of fifteen students must be enrolled in any undergraduate course offered off-campus, and a minimum of ten students must be enrolled in any graduate course offered off-campus.

III. Guidelines for Choosing Faculty in Off-Campus Instruction

- A. Faculty assigned off-campus instruction must be fully competent to undertake the level of instruction offered, and must be selected and evaluated in the same manner as that used for selection and evaluation of faculty who teach in the same discipline on-campus.
- B. Faculty members regularly assigned off-campus instruction must teach from time to time on the main campus.
- C. When necessary, qualified faculty members regularly employed by other public and private institutions of higher education may be employed by an institution to offer a course off-campus. Individuals in this category are exempted from III.B. above.

IV. Guidelines for Supporting Services for Off-Campus Instruction

- A. The sponsoring institution must demonstrate that ongoing provision has been made for guidance and counseling service for students and for continual monitoring of the progress of students toward their educational goals.
- B. Satisfactory support in the form of library resources, laboratory and clinical experiences, instructional supplies, and classroom facilities must be conveniently available to sustain the off-campus instruction program.

V. Accreditation Requirements for Off-Campus Offerings

- A. Only those public institutions which are regionally accredited, or have been accepted to candidacy status for regional accreditation, may offer courses off-campus.
- B. Where professional accreditation is available through a member agency of the Council on Postsecondary Accreditation (COPA), such accreditation, or candidacy to accreditation where applicable, must have been granted to a program prior to its being offered off-campus. (A list of professional accrediting agencies which are members of COPA is published in *Accredited Institutions of Postsecondary Education, 1975-76*, Sherry S. Harris, editor. The publication is available from the American Council on Educa-

tion, One Dupont Circle, Washington, D.C. 20036.) If there is demand for a program in the defined area of an institution not professionally accredited for that program, the Board of Regents will assist in ensuring that the needed program is provided to the citizens of the region.

VI. Guidelines for the Administration of Off-Campus Activity

- A. These guidelines recognize and require institutional adherence to Standard IX of the Southern Association of Colleges and Schools' Standards of the College Delegate Assembly.
- B. In regard to graduate offerings off-campus, these guidelines recognize and require institutional adherence to Standard X, specifically Section 5, of the Southern Association of Colleges and Schools' Standards of the College Delegate Assembly.

VII. Guidelines for Offering Off-Campus Instruction in Programs of Limited Competition

- A. Courses in the major field of a program offered at no more than three public institutions of higher education may be offered anywhere in the state by the institutions offering the program, except in the defined area of other institutions offering that program. The Board of Regents' Inventory of Curricula and Terminal Programs will be the guide for determining the number of institutions offering a particular program.
- B. The professional accreditation requirement cited in V.B. above applies to programs of limited competitiveness as well as all other programs.

VIII. Guidelines for the Conduct of Off-Campus Activities by Land Grant Institutions

- A. The land grant institutions in Louisiana, Southern University—Baton Rouge and Louisiana State University—Baton Rouge, are subject to the defined areas outlined below in all fields except agriculture and home economics, in which land grant institutions have a legal mandate for statewide service.

- B. All other guidelines presented herein apply to all programs at landgrant institutions including agriculture and home economics.

IX. Defined Areas for the Conduct of Off-Campus Activities

- A. Courses may be offered at multipurpose resident centers approved by the appropriate management board in accordance with the following definitions and guidelines. Multipurpose resident centers are defined as campuses owned by a management board for higher education.

1. Multipurpose resident centers of Louisiana State University—Baton Rouge may be established by the LSU Board of Supervisors on the following campuses: the University of New Orleans, Louisiana State University—Eunice, Louisiana State University—Alexandria, and Louisiana State University—Shreveport.
2. Multipurpose resident centers of Southern University—Baton Rouge may be established by the Southern University Board of Supervisors on the following campuses: Southern University in New Orleans and Southern University in Shreveport.
3. Any course may be offered by a parent institution on a multipurpose resident center campus as identified above, provided that the course is not offered by the resident center in its own right.

- B. Courses may be offered at single-purpose resident centers in accordance with the following definitions and guidelines.

1. Existing single-purpose resident centers are limited to the Southeastern Louisiana University School of Nursing located in Baton Rouge, the Northwestern State University School of Nursing located in Shreveport, and the Southern University—Baton Rouge Resident Center in Ville Platte. The Southeastern Louisiana University School of Nursing and the Northwestern State University

School of Nursing are limited to offering authorized curricula in nursing and allied health. The Southern University—Baton Rouge Resident Center is limited to offering authorized curricula in undergraduate teacher education.

2. At a single-purpose resident center located outside the assigned area of the parent institution, only courses necessary to the curriculum offered at that center may be scheduled. If the single-purpose resident center is within the assigned area of the parent institution, the above restriction does not apply.

C. No resident center, either multipurpose or single-purpose in nature, not specifically named herein may be established without prior approval of the appropriate management board and the Board of Regents.

D. The attached lists define the geographic regions in which each public institution of higher education may operate for purposes of lower level undergraduate, upperlevel undergraduate, and graduate off-campus instruction unless otherwise specified herein.

E. When it is deemed necessary for an institution to offer a course outside of an area assigned to it by these guidelines, a written request to do so shall be made to the Board of Regents. When limited response time is a factor, the request may be submitted by telephone, with a written request to follow immediately. Each management board shall supply the Board of Regents with a list of appropriate personnel at the system and/or institution level to be contacted to effect a mutually agreeable solution to each request. Records will be kept on all requests and the disposition of the requests.

X. Guidelines for the Funding of Off-Campus Credit Courses

A. The State appropriation formula shall continue to recommend funding student credit hours produced off-campus at the same level as student credit hours produced on-campus.

B. Tuition charges and appropriate fees for

courses offered off-campus shall be the same as tuition charges and appropriate fees for courses offered on-campus.

C. Student credit hours produced in courses offered off-campus shall be reported in accordance with the instructions contained in the State appropriation formula.

XI. Guideline for Sharing of Faculty and Facilities in the Conduct of Off-Campus Activity

Sharing of faculty and facilities between institutions of postsecondary education shall occur whenever practicable.

XII. Guidelines for the Conduct of Off-Campus Instruction Via Correspondence

A. Louisiana State University—Baton Rouge is the only public institution in Louisiana authorized to offer correspondence study and shall make every effort to satisfy the needs of the citizens of the state.

B. Other public institutions of higher education in Louisiana may offer study by correspondence with prior approval of the appropriate management board and the Board of Regents.

Part E. Guidelines for Contracts and Memoranda of Agreement with the Armed Services

The terms of existing contracts and/or memoranda of agreement shall not be affected by these guidelines.

I. Future negotiations of contracts and/or memoranda of agreement shall be for the mutual benefit of all parties to the agreements, but need not be subject to the guidelines contained herein. However, adherence to the spirit of these guidelines in the provision of quality and economy in off-campus instruction should be a primary objective in the negotiation of subsequent contracts and activities.

II. Guidelines anticipated to be forthcoming from the Task Force on State, Institutional, and Federal Responsibilities in Providing Postsecondary Educational Opportunity to Service Personnel shall be given careful consideration and will be implemented wherever feasible.