CODE OF STUDENT CONDUCT AND DISCIPLINARY CONDUCT

Policy Statement

Under the laws of the state of Mississippi, the Board of Trustees of State Institutions of Higher Learning shall have general supervision of the affairs of The University of Southern Mississippi. This board has delegated the power and authority to the president of the university to maintain standards of academic achievement and student conduct. The Division of Student Affairs has the basic responsibility to administer those regulations governing conduct at the university.

Students who register at the university agree to conform to its regulations and policies. Students are defined as all persons enrolled at the university, both full-time and part-time or a person seeking admission or accepted to the university for admission. A student is subject to the laws of the community and state, and enrollment as a student in no way relieves him/her of this responsibility. The fact that civil authorities have imposed punishment will not prevent the university from protecting its own educational purposes and community by taking suitable action against the student under university regulations.

The University of Southern Mississippi recognizes that students are adults with full federal rights and responsibilities who are expected to take personal responsibility for their conduct. The university will not police students’ private lives on or off campus nor violate their privacy rights in any way. These regulations derive their authority both from the students (as an article of the SGA constitution) and the administration of the university (as the Code of Student Conduct.)

Reason for Policy/Purpose

This policy is required for the effective communication of university policy regarding student conduct and disciplinary conduct.

Who Needs to Know This Policy
All members of The University of Southern Mississippi community.

Website Address for this Policy

www.usm.edu/institutional-policies/policy-stua-ds-007

Definitions

Policy/Procedures

SECTION 1. THE JUDICIAL AUTHORITY

A. In all organizational and individual discipline cases, the judicial authority of the SGA shall be vested in the dean of students, the student judicial council, the university appeals committee, the university president, and the Board of Trustees of State Institutions of Higher Learning.

B. In all cases solely concerning violations and interpretation of the SGA code and constitution, the SGA judicial authority shall be vested in the necessary lower courts and one student supreme court.

SECTION 2. THE STUDENT JUDICIAL COUNCIL

A. The student judicial council shall consist of nine (9) student members who shall serve staggered terms. Five (5) members shall be appointed for two-year terms, and four (4) members shall be appointed for one-year terms. These students must remain in good academic standing as designated in the most recent university catalog and, at the time of appointment, have one semester of prior residency at Southern Miss. These students shall be representative of the Southern Miss student body. The chair of the student judicial council shall be the attorney general of the SGA, and he or she may have no vote in its judicial proceedings.

B. These students shall be appointed by the SGA president with the advice and consent of the student senate and shall be subject to final approval by the university president. All vacancies shall be filled under the above provisions for the remainder of a vacant term.

C. The student judicial council shall have original jurisdiction in all cases concerning violations of university regulations whether by an individual or an approved student organization. However, accused students may choose to have their cases heard by the Dean of Students.

SECTION 3. THE UNIVERSITY APPEALS COMMITTEE

A. The university appeals committee shall consist of four (4) members of the faculty and/or staff appointed annually by the university president and four (4) students appointed by the SGA president, with the advice of the student senate and subject to final approval by
the university president. The term of all student appointments shall be until resignation, graduation or other departure from the university. In addition to the eight (8) members, there shall be a chair appointed by the university president.

B. The university appeals committee shall have appellate jurisdiction on all cases originating in the student judicial council and the Office of the Dean of Students.

SECTION 4. THE STUDENT SUPREME COURT AND ITS LOWER COURTS

A. Original jurisdiction in cases resulting from violations of the SGA code shall be vested in judicial bodies as created in the judicial title of the SGA code.

B. The student supreme court shall consist of four (4) associate justices and one (1) chief justice, appointed by the SGA president with the advice and consent of the senate whose term of service shall continue until resignation, graduation, other departure from the university, or removal by impeachment.

C. The student supreme court shall have appellate jurisdiction in all cases concerning violations of the SGA code. It shall have original jurisdiction in all cases of constitutional interpretation and impeachment.

D. The student supreme court and its lower courts shall have the following powers:
   1. To issue injunctions and writs in accordance with the SGA constitution in SGA matters
   2. To issue subpoenas for SGA public records, films or other information
   3. To issue summonses to call witnesses in cases concerning the SGA constitution, code and procedures

SECTION 5. DISCIPLINARY PROCEEDINGS

A. The dean of students shall give in writing the options available to the accused student or organization for adjudication along with the hearing procedures.

B. The dean of students shall have the power to take any reasonable action to ensure the safety of the university community and university property and to preserve an academic atmosphere prior to full judicial hearing. These actions are subject to approval by the vice president for Student Affairs or his/her designated representative.

C. The dean of students shall assist the SGA attorney general with the presentation of the case.

D. The Dean of Students Office or judicial body may postpone disciplinary proceedings. Any rescheduling of disciplinary proceeding must meet the requirements set forth in Section 7A of the Code of Student Conduct.

SECTION 6. ATTENDANCE

A majority of the membership of each judicial body must be present to hear a case, unless a lesser number is approved by both parties to the case.

SECTION 7. RIGHTS OF ACCUSED

In all judicial proceedings, the accused shall have the right to the following:
A. To written notification of the charges of sufficient particularity to prepare a defense, to a summary of written evidence that is to be presented, to the names of adverse witnesses, to the date of the alleged violation, and to the time and place of the hearing, at least 72 hours prior notice to the hearing
B. To be assisted by any adviser he/she chooses at his/ her own expense. The adviser may be a parent or attorney who will be allowed to make closing remarks during the hearing but may not participate otherwise.
C. To present information and to have an opportunity for reasonable testimony or discussion
D. To call witnesses
E. To a speedy and closed hearing unless all parties concerned agree upon an open hearing

SECTION 8. JUDICIAL BODY POWERS AND DUTIES

Each judicial body shall have the following powers and duties:

A. To issue requests for witnesses to appear on behalf of either party
B. To issue requests for relevant university documents on behalf of either party
C. To authorize depositions in lieu of oral testimony when deemed necessary
D. To adjudicate violations of the SGA code, constitution or university regulations within their respective jurisdictions
E. To keep an adequate record, as determined by the dean of students, of the proceedings and to make this record available to the accused after the hearing upon request

SECTION 9. RULES OF EVIDENCE

A. All decisions of responsibility or non-responsibility shall be decided on the basis of the preponderance of evidence.
B. Information can be considered by a disciplinary body only if it is introduced before that body in the presence of the accused. If the accused is unavailable for a hearing, then every effort must be undertaken to inform the accused of the existence of the information, and the accused must be given every opportunity to respond before that body reaches a decision.
C. Each judicial body shall have the opportunity to adopt its own rules of information in addition to those specified in the SGA constitution and code.
D. A victim of a campus violation may submit a victim impact statement. A victim impact statement is a written statement that describes the harm or loss suffered by the victim of a violation. The Dean of Students office or judicial body considers the statement when the accused student is sanctioned. The victim impact statement is intended to give victims of an offense a voice in the judicial process; it allows victims to explain to the judicial body and the accused, in their words, how the violation has affected them. A copy of the victim impact statement is provided to the accused student. The statement will be part of the information considered in the judicial process. A victim may be questioned by the accused student about the statement.

SECTION 10. APPEALS
A. In all judicial decisions either party shall have and be notified of the right to appeal the
decision of the judicial body entering judgment. If the decision is appealed, no action
shall be taken—except those measures necessary to ensure the safety of the university
community, to protect university property, and to ensure an academic atmosphere—until
the appellate process has been exhausted.

B. The request for appeal shall be filed within 72 hours of the written notification of the
decision. The request shall be filed with the Dean of Students office.

C. Student judicial council decisions and those made by the dean of students may be
appealed to the university appeals committee, and the university appeals committee’s
decisions may be appealed to the university president who may, in turn, appoint a hearing
officer. Decisions of the university president may be appealed to the Board of Trustees
of the State Institutions of Higher Learning. In cases of expulsion, the Board of Trustees
hears appeals of the university president’s decision.

SECTION 11. INTERIM SUSPENSION

A. When the president of the university or a designated administrator determines that the
presence of a student would reasonably constitute clear and present danger to the
university community or property, he or she may take swift and immediate action to
suspend such a student from university enrollment on an interim basis.

B. In such cases, the student will be afforded a preliminary hearing with the administrator
designated in part A, unless this action is not possible due to circumstances at the time or
to inaccessibility.

C. Whenever suspension occurs under the provisions of this section, the student shall be
 accorded review by the student judicial system at the earliest possible date following the
suspension.

D. If, at any time of review, the judicial authority determines that the suspension of the
student is inappropriate, it may recommend to the president that the student be reinstated
to university enrollment and be allowed to complete any academic work missed as a
result of this suspension.

DISCIPLINARY SANCTIONS OF CODE OF STUDENT CONDUCT

If the dean of students or the student judicial council, as the case may be, finds that the student
has violated the Code of Student Conduct, then that forum will include in its official decision a
prescribed punishment which may take any of the following forms:

A. **Private Reprimand:** The student may be merely reprimanded in writing and warned and
   admonished to refrain from future misconduct.

B. **Restitution:** The dean of students and student judicial council both have authority to
   order that the student, as a condition of his/her continued presence in the university
   community, render monetary restitution for the damages or injuries caused by his/her
   misconduct.

C. **Probation:** The student may be placed on probation, with or without non-punitive
   sanctions, which may include counseling, appropriate community service or exclusion
   from residence halls, in which case no further sanctions will be assigned unless the
student is subsequently responsible for further misconduct during the probationary period. The time frame and the conditions of a probationary sanction can be set at the discretion of the forum. Probation implies that a further code violation during the probationary period will be dealt with more severely than if it stood alone.

D. Campus/Community Service: The student may be assigned to a community service site located on or off campus, with his or her acceptance. A predetermined number of hours must be completed by a given date.

E. Suspension: The student may be suspended from the university for the remainder of any ongoing semester; for a longer, but definitely stated, period of time; for a future semester or semesters or indefinitely, with a date set forth in writing at which time the student will be given the privilege of applying for readmission, with such application to be reviewed and acted upon by the student judicial council or dean of students, depending on which forum heard the original complaint.

F. Expulsion: A student may be immediately and permanently separated from the university.

G. Interim Suspension: When the president of the university or a designated administrator determines that the presence of a student would reasonably constitute a clear and present danger to the university community or property, he or she may take swift and immediate action to suspend such a student from university enrollment on an interim basis. Whenever suspension occurs under this provision, the student shall be accorded review by the student judicial system at the earliest possible date following the suspension. If, at any time of review, the judicial authority determines that the suspension of the student is inappropriate, it may recommend to the president that the student be reinstated to university enrollment and be allowed to complete any academic work missed as a result of this suspension.

Review

The Dean of Students is responsible for the review of this policy every four years (or whenever circumstances require immediate review).

Forms/Instructions

N/A

Appendices

N/A

Related Information

N/A
History

11/01/11: Formatted for Institutional Policies website
02/05/13: Formatted for template. Minor editing throughout.
Amendments: Month, Day, Year – summary of changes
Authorization

CODE OF STUDENT CONDUCT AND DISCIPLINARY CONDUCT
STUA-DS-000-007

As the Responsible Officer, I have reviewed this policy and believe it represents the current policy.

[Signature]

Responsible Officer

[Signature]

Date 4/4/13