PROCEDURE FOR HEARINGS BEFORE
THE STUDENT JUDICIAL COUNCIL OR DEAN OF STUDENTS

Policy Statement

Accused students can have their cases presented before the student judicial council or Dean of Students.

Reason for Policy/Purpose

This policy is required for the effective communication of university policy regarding the procedure for hearings before the student judicial council or Dean of Students.

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-008

Definitions

Policy/Procedures

Accused students who choose to have their cases presented before the student judicial council in lieu of disposition by the Dean of Students will be entitled to a hearing before the council, pursuant to the following procedures and guidelines:

A. After the accused student has informed the Dean of Students of his or her desire for a student judicial council hearing, the Dean of Students will notify the members of the council and schedule a hearing to be held no fewer than five calendar days nor more than
15 calendar days after the accused student has requested the hearing. In cases where a suspension or expulsion is possible, the Dean of Students office may require a mandatory administrative hearing. The Dean of Students will inform the accused student of the time and place of this hearing at least 72 hours before the hearing is scheduled to begin. At this time, the Dean of Students will also give the accused student a copy of this article of the Code of Student Conduct.

B. All hearings will be conducted in private, and all records or transcripts of the hearing will remain the private property of the university, not subject to access by the general public, unless the accused student and a simple majority of the membership of the student judicial council agree in writing to the public dissemination of specified records or summaries of the proceedings or to the opening of the hearing itself.

C. The Dean of Students or another staff member employed within the Division of Student Affairs will serve as sergeant at arms of the student judicial council, and in that capacity during the hearing, he or she will enforce proper decorum and adherence to the procedures and rules set forth in this article.

D. The accused student has the right to be assisted at the hearing by an adviser he or she may choose at his or her own expense. This adviser may be an attorney. However, the accused student is responsible for presenting his or her own case, and, therefore, advisers are not permitted to speak to the council or to address any witness or other person participating at the hearing. The accused student must speak for himself or herself throughout the hearing, and thus the adviser’s role during the hearing shall be limited to private consultations with the accused student.

E. The admittance of any person to a private hearing other than council members, the Dean of Students (or his or her designee), the accused student, and his or her adviser will be allowed only upon the consent of the accused student and a simple majority of the council members present.

F. Written statements, documents, exhibits and pertinent records may also be presented at the hearing by either side and may be accepted for the consideration of the council at the discretion of the council chairperson. Both the accused and the SGA attorney general, or other university official presenting the charges, are entitled to present live witnesses at the hearing. Any such witness is subject to follow-up questioning by any member(s) of the council.

G. Neither the federal rules of evidence, the Mississippi rules of evidence, common-law principles of evidence nor any other formal law of evidence apply in council proceedings. The acceptance of live testimony and any tangible proof will be at the discretion of the council.

H. The Office of the Dean of Students will prepare and preserve a verbatim record of all hearings held before the council in the form of a complete tape recording or a transcript prepared by a court reporter. The choice of the form of record will be left to the discretion of the Dean of Students. Records shall be kept by the Office of the Dean of Students or its successor office for a period of at least seven years. The university appeals committee, for good cause, may void student disciplinary files. Requests for expungement should be in the form of a written request to the Dean of Students office and be accompanied by three notarized recommendation letters. Requests for expungement will not be considered for those students who have not graduated or have not been enrolled for at
least one calendar year. Records of suspension or expulsion will be kept permanently in the Office of the Dean of Students.

### 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

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STUA-DS-000-008

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

[Signature]

Responsible Officer

4/4/13

Date