RESIDENCE LIFE CONDUCT PROCESS POLICY

Policy Statement

A process has been instituted to protect the rights of students accused of violating Residence Life policies. The process allows for appeals and due process. Educational sanctions may be imposed.

Reason for Policy/Purpose

This policy is required for the effective communication of university policy regarding the Residence Life conduct process.

Who Needs to Know This Policy

All students of The University of Southern Mississippi community living on campus.

Website Address for this Policy

www.usm.edu/institutional-policies/policy-stua-res-051

Definitions

Policy/Procedures

APPEALS

All educational sanctions will be determined toward the conclusion of the hearing. In addition, written notification will be sent through campus email or hand-delivered to the appropriate individuals by Residence Life staff. It is the responsibility of the student to appeal in written
form. All hearing outcomes will be limited to one appeal only. The appeal will be heard by the associate director of Residence Life or a designee. All appeal decisions are final.

A student who has been found responsible for any alleged violation may appeal the decision of the hearing body or administrative officer to the associate director of Residence Life. An appeal requires a written document in the form of a letter or email that details the basis for the appeal (egregious sanction, mitigating circumstance, procedural error and/or additional information).

In addition to the written appeal, a meeting must also be scheduled with the appropriate appeal officer (the associate director or a designee) as directed in the follow-up sanction letter. This meeting must be scheduled within five business days from the date of the hearing.

DUE PROCESS

A student who is alleged to be in violation of Residence Life policies is entitled to certain procedural guarantees to ensure a fair hearing of evidence. These guarantees are as follows:

The statement will be delivered via email to the student’s university email account, as this is the university’s designated means of communication. (Please see the Student Success Handbook for more details regarding the activation and use of your email account.)

The University of Southern Mississippi Residence Life Conduct Process states that written notice will be given within five business days of the event resulting in documentation. This notice will provide detail sufficient for the student to prepare a case for the hearing. A student may make a written request for a copy of the incident report at any time. Should the student fail to respond, hearings will proceed in absentia.

1. A hearing will be held to determine a student’s responsibility for an alleged policy violation. The student may choose to have an administrative officer conduct the hearing or appear before the student judicial board, a group of resident students who are trained to serve as hearing officers.
2. Although a student may choose to remain silent during a hearing, he/she may refute or question any evidence presented and produce witnesses or written documentation submitted on his/her behalf.
3. To assist the student at a student judicial board hearing, the student may choose an adviser to attend the hearing as well. The role of adviser is limited to assistance only. The adviser cannot question witnesses or speak on behalf of the student.
4. At a judicial board hearing, the student may challenge the objectivity of any board member, giving reasonable cause to believe the member may be biased or have a conflict of interest regarding that officer’s objectivity. The hearing board adviser will make the final ruling on any such challenge.
5. The outcome of the hearing will be determined solely on the evidence presented during the hearing. A finding of responsibility is decided on the existence of substantive evidence to support the charge.
6. After a hearing, a student may appeal the decision and/or sanctions, within five business days from the date of the hearing, provided there are appropriate grounds. Students are limited to one appeal for each hearing process. Please review the appeals section for more information regarding the appeal process.

EDUCATIONAL SANCTIONS

The judicial board and Residence Life administrators have jurisdiction over any residence hall, policy violation and/or individuals who allegedly violate said policies. Residence Life staff reserves the right to consult with any other university official when necessary. Violations of residence hall policies and standards will be addressed through educational sanctions that will be determined by

1. Assessment of the seriousness of the violation;
2. Consideration of any mitigating circumstances within the case;
3. The student’s previous conduct record;
4. Consideration of previous incidents bearing similarities in violation infractions;
5. Directing an educational sanction with substantial impact so as to help the student understand the policy and prevent additional future violations; and
6. Imposing educational sanctions or taking actions aimed at preserving the community while considering the victim’s rights.

The educational sanctions listed below will range in severity without specificity to the violation, but to the individual student and case. This list is not inclusive of all possible sanctions:

- Official written warning
- Administrative relocation
- Residence hall probation
- Removal from residence hall system, which may be temporary, permanent and/or immediate, and may be done for a serious first-offense violation
- Loss of residence hall visitation privileges
- Reimbursement for damages

Furthermore, because residence hall students have a contractual relationship with the Department of Residence Life, those who damage the halls may be financially responsible for repairs and replacement costs. This contractual agreement may not threaten or interfere with a student’s university academic standing, although a recommendation may be made to the Dean of Students office.

*Please note that any student removed from the residence hall after a conduct process is still subject to the terms and conditions of the housing contract and may be financially responsible for payment to Residence Life and the university.

ROUTES OF PROCESS

When a student poses a clear emergency or danger to himself/herself or others, the director of Residence Life or designee may take immediate action to suspend the student from the residence
halls. This can include temporary removal from the residence halls until a hearing takes place. In this event, the hearing will occur while the temporary removal is in place. When a student is accused of violating a Residence Life policy, he/she will have a conduct conference with a Residence Life staff member to discuss students’ rights, enter a plea and choose a conduct hearing option in response to the alleged violations. These options include a judicial board hearing or an administrative hearing. If the offense is deemed a serious violation, an administrative option will be mandated and may include referral to the Office of the Dean of Students. Failure to respond to conduct notification will result in a hearing held in the student’s absence.

Option 1: Judicial Board
Following notification of charges, the student who chooses adjudication by a judicial board will receive notice of the hearing date. The board will be composed of approximately four to six undergraduate students who have the authority and training necessary to adjudicate cases. The judicial board option will not be available during the first month and last two weeks of each semester.

Option 2: Administrative Hearing
The Department of Residence Life staff will follow the same conduct process as the judicial board and will administer sanctions accordingly. Following notification of charges, the student who chooses adjudication by a Residence Life administrator will receive notice of a hearing date. The director of Residence Life or designee (associate director, assistant director, Residence Life coordinator or hall director) has the authority to adjudicate cases.

STATEMENT OF RIGHTS

1. At least five business days prior to a hearing, any student involved, whether the accused or the accuser, is entitled to written notification of the time and place of the disciplinary conference and hearing as well as their rights as outlined below.

2. Upon request, at least 48 hours (two business days) prior to the hearing, the accused student is entitled to a written statement of charges in sufficient detail including how the alleged violation came to the notice of the judicial board or administrative officer.

3. The accused student must have the opportunity to appear in person at the designated hearing. The accused student and the accuser are entitled to present their cases to the judicial board/administrative officer and to call witnesses on their behalf. The accused student must request that the accuser be present at least 48 hours (two business days) prior to the hearing.

4. The accused student and accuser are entitled to ask questions of the judicial board or administrative officer, of each other, and of any witnesses called by the judicial board or administrative officer. A list of all witnesses to be called must be submitted at least 48 hours prior to the hearing. The party calling the witnesses is responsible for notifying the witnesses and making sure the witnesses attend the hearing.

5. All hearings in connection with residence hall incidents will be closed, with the exception of the accused student, the accuser, appropriate witnesses, the accused student’s adviser, members of the judicial board, the judicial board adviser, and/or any other necessary university official.
6. The accused student and the accuser are entitled to an explanation of the outcome of the hearing.
7. Each case will be heard at the originally assigned time unless the accused student notifies the judicial board adviser or administrative officer of a change in schedule or delay a minimum of 48 hours (two business days) prior to the scheduled hearing. Hearings will only be rescheduled for academic conflicts and personal emergencies that can be verified with documentation.

Review

The Director of Student Housing Administration 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

03/15/13: Formatted for template. Minor editing throughout.
Amendments: Month, Day, Year – summary of changes
Authorization

RESIDENCE LIFE CONDUCT PROCESS POLICY
STUA-RES-051

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

[Signature]
Responsible Officer

[Signature]
Date

March 22, 2003