The University of Southern Mississippi
Policy on Classroom Responsibilities of Faculty and Students
Approved by Executive Cabinet on June 25, 2012

The intent of this Policy is to help preserve the highest standards of teaching and learning; maximize the sharing, construction, and creation of knowledge; protect academic freedom; and advance the mission of the University as an institution of higher learning.

Table of Contents

Preamble………………………………………………………….1

Part A.1 Student Rights and Responsibilities Relating to Instruction …2

Part A.2 Student Conduct ……………………………………………3

Part A.3 Addressing Classroom Disruptions …………………….4

Part A.4 Student Disciplinary Principles, Procedures, and Timeline ….6

Part B.1 Ethical Principles Relating to Instruction for Faculty………10

Part B.2 Faculty Rights Relating to Instruction…………………………10

Part B.3 Faculty Conduct………………………………………………11

Part B.4 Faculty Disciplinary Principles, Procedures, Timeline, and Additional Measures……………………………………11

Preamble

The University recognizes that a positive instructional environment is essential to student learning. Reflecting our commitment to freedom of thought and expression, the classroom requires an atmosphere of mutual respect among diverse persons, groups, and ideas. Whether in a traditional classroom setting, online, in lab sessions, study abroad, or wherever else student learning takes place, creating an optimal educational experience is a shared responsibility between instructor and students. The University thus encourages an environment that is conducive to sharing, extending, and critically examining knowledge and values in the search for wisdom. To provide this environment, the University endorses in full the concept of academic freedom, and thus supports the principle that instructors must be free within their respective fields to teach in accordance with appropriate standards of scholarly inquiry.

Students and faculty both have responsibilities for maintaining an appropriate learning environment based on mutual respect, in which academic freedom for both is protected. Classroom disruptions interfere with the academic mission of the university. Students have the responsibility to treat their
fellow students, their instructors, and class material with respect. According to “The Creed at Southern Miss” in the Student Survival Guide, students are accountable for “exhibiting civil behavior, demonstrating responsible citizenry, and doing [their] part to achieve a positive and secure living and learning environment for all.” All members of the university community have an affirmative obligation to protect student’s constitutional rights, especially the right to due process. Faculty members have the professional responsibility to treat students with understanding, dignity and fairness. Instructors also have the responsibility to promote free intellectual inquiry and freedom of expression and to refrain from improper disclosure of student views, beliefs, and political associations, and from violating any of the restrictions listed in the University nondiscrimination policy. Faculty members are asked to establish clear and reasonable norms for the manner in which students express opinions. Instructors are expected to serve as role models for appropriate conduct and comportment in any learning environment.

Note: For the purposes of this policy, the terms “instructor” and “faculty member” are used interchangeably and are inclusive of all members of the university community with teaching responsibilities, including but not limited to: regular members of the Core of Instruction (see the Faculty Handbook for a definition: http://www.usm.edu/sites/default/files/groups/offices-provost/pdf/faculty_handbook.pdf), librarians, adjunct faculty, and graduate teaching assistants.

Part A.1 Ethical Principles Relating to Instruction for Students

Students have rights and responsibilities for maintaining an appropriate learning environment based on mutual respect, in which academic freedom is protected. Any student’s respectful expression of academic disagreement with the course instructor or other students, during times when the instructor permits discussion, is a normal and valuable part of the learning process. Disagreement per se should not be construed as disruptive behavior, nor should the provisions of these guidelines be used to punish classroom dissent. Instructors should consider that cultural differences, situational frustration, and documented special needs can play a part in perceived student misconduct. Students are permitted to ask relevant questions and voice opinions in class, but not in such a manner as to insult the instructor or other members of the class.

When appropriate, students are encouraged to engage with others in the classroom, but should avoid disturbing normal classroom actions with distracting or disruptive behavior. According to the Southern Miss Student Survival Guide, under “Prohibited Conduct,” a violation has occurred if there is any “Disruption of University-Sanctioned Events and Activities,” defined as “obstruction or disruption of teaching, research, administration, disciplinary action, or any other activity or of any other authorized activities on university-controlled property.”

1 This policy, especially the sections on classroom disruptions, is based on examples from several other universities, particularly the policies of Rutgers University (http://studentaffairs.camden.rutgers.edu/classroomdisruption.html), Kansas State University (http://www.k-state.edu/provost/resources/teaching/studentconduct.htm), and Penn State University (http://studentaffairs.psu.edu/conduct/classdisrupt.shtml).
Part A. 2 Student Conduct

The Board of Trustees of State Institutions of Higher Learning (IHL) has delegated the power and authority to the USM President to maintain standards of academic achievement and student conduct. The University has the authority to protect its own educational purposes and community by taking suitable action against any student under university regulations.

Good manners provide the foundation for proper classroom behavior. Stated another way, USM students, regardless of the many perspectives they may bring to a given class, are expected to be courteous while in the classroom. Notably, students must be open to and respectful of the learning process in the classroom, even if, at times, their own beliefs or views about the material being presented are different. Although all students are expected to exhibit appropriate conduct, some simply do not know what constitutes proper classroom behavior. Some unacceptable classroom behaviors occur regularly on campus. Misconduct—which instructors are asked to bring to a halt—includes, but is not limited to, the following:

- Students continuing to talk after being asked by the instructor to stop.
- Students conducting side conversations during instruction.
- Students nonverbally showing disrespect for others.
- Students using vulgar, obscene, or other inappropriate classroom language.
- Students making disparaging remarks or making slurs based on age, religion, race, ethnicity, gender, nationality, disability, or sexual orientation.
- Student tardiness and disturbing classroom entrances.
- Students getting up during class, leaving, and then returning.
- Students packing up books and/or belongings before class is dismissed.
- Students using their cell phones, allowing them to ring, or text-messaging during class.
- Students inappropriately using computer or other technology in a disruptive way.
- Students verbally indicating dissatisfaction with an activity, assignment, or grade.
- Students sleeping in class and other inattentive behavior.

More serious classroom transgressions include, but are not limited to:

- Students coming to class under the influence of alcohol or drugs.
- Student-to-student anger*
- Student-to-faculty anger*
- Verbal assault*
- Physical assault*
- Sexual harassment*

*Physical threats or violence are a violation of the University’s Code of Student Conduct (put forth in the Student Survival Guide). Such incidents must be referred to the University Police, the appropriate Campus Security Authority (see http://www.usm.edu/police/clery-act), and the Dean of Students immediately. Please consult the University Police (http://www.usm.edu/police) for further information.
Part A.3  Addressing Classroom Disruptions

Clear Standards of Behavior
Faculty members should set clear standards of behavior at the start of a course to deter an inappropriate behavior.

● Instructors may wish to describe, in an introductory lecture, expected standards for class conduct.

● Instructors might consider stating their expectations for classroom behavior in their syllabi and defining inappropriate behaviors for students.

  Example: “All student activities in the University, including this course, are governed by the University’s “Policy on Classroom Responsibilities of Faculty and Students,” as outlined in the Student Survival Guide. Students who engage in behavior that disrupts the learning environment may be asked to leave the class.”

● Instructors may ask students to sign a statement stating they understand the classroom conduct policy.

Dealing with the Disruptive Behavior
In the circumstance that a student engages in disruptive behavior, the following responses should be considered. In all cases of classroom misconduct (traditional classroom setting, online, in lab sessions, study abroad, or wherever else student learning takes place) instructors must keep records of inappropriate student behavior and their response to it, as well as keeping the names and contact information of any witnesses to the behavior.

● If an instructor believes that inappropriate behavior is occurring they should consider a general word of caution to the entire class rather than warning a particular student.

● If the behavior is irritating but not disruptive, the instructor may try speaking with the student(s) involved outside of class.

  ■ Should the faculty member suspect the student is in emotional distress or that substance abuse might be a factor in the student's behavior, the faculty member should refer the student to Student Counseling Services (http://www.usm.edu/counseling/) and the Dean of Students. If warranted, a faculty member may call and make an appointment for the student at Student Counseling Services or accompany the student to the counseling center.

  ■ Should discussion indicate that the disruptive behavior may be related to a physical or mental disability, a faculty member should remind the student of his/her right to request a reasonable accommodation of a documented disability and also inform the student that services and resources are available in the Office of Disability Accommodations (http://www.usm.edu/oda/).
• There may be circumstances when it is necessary to speak to a student during class about her/his behavior. This should be done in a firm, respectful, and non-threatening manner.

• A faculty member may issue a written warning to a student, via email or letter. The correspondence should be retained by the faculty member and a copy sent to the Department Chair. Such a warning should include some or all of the following:
  ■ the nature of the disruptive behavior
  ■ the effect of the behavior on the learning environment
  ■ possible consequences if the behavior continues

Note: A written warning is not required as a prerequisite to other disciplinary action.

• Faculty members have ultimate charge over classroom behavior. A student who persists in being disruptive may be asked by the instructor to leave the class for the remainder of the class period or longer, (students may appeal that decision to the appropriate Department Chair). In some instances, an instructor and Department Chair may choose to prohibit a student from attending classes while allegations of serious misconduct are being adjudicated.

• If a disruptive student appears to be on the verge of violent behavior, instructors should avoid directly confronting the student and may choose to cancel class that day. The University Police may be summoned, if necessary, to remove the disruptive student from the classroom safely. Faculty members should not attempt to use force or threats of force, except for immediate self-defense. Instructors must immediately write down facts, identify possible witnesses, and notify the Department Chair and the University Police.

• The instructor should meet with the disruptive student to determine if an agreement can be reached for the student to continue in the class. This meeting should take place as soon as possible after the incident. If the instructor is concerned about his/her personal safety in a private meeting, she/he should consider asking the Department Chair to be present. Instructors should point out that if the behavior continues, a complaint will be filed with the Department Chair and the Dean of Students. The discussion should be followed by a written memo to the student, repeating the nature of the problem and what the instructor and the student have agreed is necessary to resolve it.

• If no agreement is reached with the student, the faculty member should seek intervention by the Department Chair to resolve the problem.

• If the problem cannot be resolved by the faculty member and Department Chair, the matter should be referred to the Dean of Students. In most cases, disruption problems can be resolved through informal discussion between the Dean of Students and the parties involved.

• In the rare cases when the issue of a dispute cannot be informally resolved, the Dean of Students will determine whether a violation of the University’s Code of Student Conduct has occurred. If a serious, nonresolvable violation has occurred, the Dean of Students will turn to the student Judicial and Appeals Process as set forth in the “Code of Student Conduct and Disciplinary Conduct” in the Student Survival Guide (see also Part III below).
Note: Strategies described in these guidelines also apply to disruptive online behaviors. Removal of a student's online access should be discussed in advance with the Department Chair, the Dean of Students, and the University Attorney's Office.

Part A.4 Student Disciplinary Principles, Procedures, and Timeline

(Note: This entire section is taken from the “Code of Student Conduct and Disciplinary Conduct” in the Student Survival Guide)

“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.)

“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 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. 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. 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. 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.

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“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.”
Part B.1  Ethical Principles Relating to Instruction for Faculty

“As teachers, professors encourage the free pursuit of learning of their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflect each student’s true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom” 2 This statement comprises ethical prescriptions affirming the highest professional ideals. They are aspirational in character, and represent objectives toward which faculty members should strive. Behavior in accordance with these principles clearly precludes the application of a disciplinary sanction.

The integrity of the teacher-student relationship is the foundation of the University’s educational mission. This relationship vests considerable trust in the instructor, who, in turn, bears authority and accountability as mentor, educator, and evaluator. This pedagogical association must be protected from influences or activities that can interfere with the instructor’s academic freedom and the student’s learning.

Part B.2  Faculty Rights Relating to Instruction

A major responsibility of the University is to protect and encourage instructors in their teaching, and students in their learning. The faculty and administration both recognize that it is essential to foster and preserve conditions that maximize academic freedom and student learning. Such conditions, as they relate to professors, include but are not limited to:

● the free inquiry and exchange of ideas
● the right to present controversial material relevant to a course of instruction
● the enjoyment of constitutionally-protected freedom of expression
● the establishment of norms for teaching responsibilities and for the evaluation of student achievement
● the right to be judged by one’s colleagues, in accordance with fair and even-handed procedures in matters of discipline, based solely on one’s professional qualifications and instructional integrity

2 “Ethical Principles Relating to Instruction” is drawn primarily from the 1966 Statement on Professional Ethics and subsequent revisions of June, 1987, issued by the American Association of University Professors.
Part B.3  Faculty Conduct

The authority to discipline instructors in appropriate cases derives from a shared recognition by the faculty and administration that the purpose of discipline is to preserve conditions hospitable to effective teaching and learning. Discipline is warranted when instructors fail to meet teaching responsibilities. Types of unacceptable faculty conduct include but are not limited to:

- arbitrary denial of access to instruction
- significant and regular intrusion of material unrelated to the course
- significant failure to adhere, without legitimate reason, to the Faculty Handbook in the conduct of courses
- harassment, punishment, or favoritism for arbitrary or personal reasons
- use of the position or power of the instructor to coerce the judgment or conscience of a student in a way that causes harm
- participating in or deliberately abetting classroom disruption, interference, or intimidation
- being uncivil to students in the classroom.

Part B.4  Faculty Disciplinary Principles, Procedures, Timeline, and Additional Measures

Principles

1. The right of an instructor to secure a final resolution to an allegation of misconduct is affirmed.

2. In order to ensure the continuity and integrity of the instructional environment, the need for a timely and just resolution of an allegation of misconduct is affirmed. No disciplinary sanction of an instructor shall be imposed without adhering to procedural due process.

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3 An instructor, however, has the right and may for educational reasons seek to challenge or persuade a student to reconsider a judgment, stance, or position, particularly if the judgment, stance, or position is seen to be based on arbitrary or personal reasons such as (but not limited to) race, religion, sex, sexual orientation, ethnic origin, national origin, ancestry, marital status, medical condition, disability, age or citizenship. In the process of learning something new or different, a student should expect to experience cognitive dissonance, which is a precursor to intellectual and moral growth. Any discomfort or disequilibrium that may accompany cognitive dissonance (and thus results in learning) should in no way be confused with causing harm to a student.

4 Any discomfort or disequilibrium that may accompany cognitive dissonance (and thus results in learning) should in no way be confused with interference, or intimidation in the classroom.

5 Parts IV-VII of this document are adopted from the University of California’s policy. See http://www.universityofcalifornia.edu/senate/manual/apm015.pdf
3. In cases of student complaints of grave breaches of conduct on the part of an instructor, where the complaint cannot be resolved by the parties and Deans, removal of the instructor from the classroom may be necessary for up to two weeks. Such removal (for two weeks or less, or 300 or fewer contact minutes) does not constitute a disciplinary sanction and in no way implies a finding of misconduct. In these rare instances, Department Chair should find a qualified substitute instructor to minimize disruption to the other students in the course.

4. Disciplinary sanctions authorized in this Policy include removal from the instructional environment for more than two weeks (or more than 300 contact minutes), written censure, mandatory sensitivity training, reduction in salary, demotion, suspension, denial or curtailment of emeritus status, and dismissal from the employ of the University.

5. No disciplinary action may commence if more than one year has passed between the time when the University President knew or should have known about the alleged violation of the Policy on Classroom Responsibilities of Faculty and Students and the delivery of the notice of proposed disciplinary action.

6. If an investigation is needed, there should be a single formal investigation of the allegations. The investigation should commence, if at all possible, as soon as formal proceedings begin.

7. Representatives of the faculty shall participate in the investigation and hearing of allegations of misconduct. Two members of the faculty should be selected to participate in an investigation, and will be selected by the Faculty Senate President (or designee) in consultation with the Provost (or designee) and the accused instructor’s Department Chair. The Provost (or designee) may also select up to three other university personnel to serve on the investigation team. Members of the investigation team may be called on to present findings but should not otherwise participate in the hearing of that allegation of misconduct. The University administration is encouraged to provide investigators with training, consultation, or legal counsel to assist with the investigation.

8. The University at all levels should take appropriate precautions to safeguard the confidentiality of investigative and disciplinary proceedings. To the extent allowable by state law and university policy, university officials should develop procedures that allow information about an ongoing disciplinary proceeding, including that about outcomes, to be shared with the complainant.

9. The University should make every effort to conform to timely, specified timeframes.

10. The nature and circumstances of the offense should determine the severity and type of discipline.

11. There should be a provision for the removal or termination of a sanction, either automatically or by administrative discretion, in individual cases.

Disciplinary Procedures and Timeline

1. Before formal disciplinary proceedings begin, every effort to resolve allegations of instructor misconduct in an informal manner should be made. This would normally result in a departmental
level meeting that includes the student, instructor, and Department Chair. If desired, the instructor and student each have the right to bring a third party with them to the meeting. This meeting, if at all possible, should take place within two (2) business days of the alleged misconduct.

2. If the problem cannot be resolved at the department level, the student must make a formal, written complaint to the Dean of the appropriate College. The Dean of the College (or designee) and the Dean of Students (or designee) should attempt to resolve the matter. This meeting, if at all possible, should take place before the next class meeting. If no settlement ensues at this point, formal disciplinary proceedings should commence. Formal proceedings begin when the Dean of Students and the College Dean report in writing the alleged misconduct to the Provost.

3. Before any disciplinary sanction is imposed, the Provost must, in writing:
   ● provide notice of the charges against the individual accused
   ● identify the standard of conduct that the individual has allegedly violated
   ● offer the accused an opportunity to rebut the charges against him/her before a faculty committee composed of representatives from the University faculty. This hearing, if at all possible, should take place no more than eight (8) business days after the alleged misconduct occurred.

4. The University faculty committee must be drawn from current Southern Miss faculty. The seven (7) person committee shall consist of one member selected by the Department Chair along with the Chairs of the College Promotion and Tenure/College Advisory Committees from all five academic colleges. The seventh member and chair of the committee shall be the current Faculty Senate President (or designee).

5. Unless the Provost or University President (or designee) resolves the matter between the faculty member and the student prior to the hearing or the faculty member explicitly – in writing – waives the right to a hearing, representatives of the Faculty Committee must hold a hearing and make findings on the evidence presented. The Faculty Committee and the accused have the authority to call in witnesses.

6. After the hearing, representatives of the Faculty Committee will present findings about the alleged misconduct to the University President (or designee) and make a written recommendation regarding whether a sanction is warranted. If the Faculty Committee determines that a sanction is warranted, that body then has the right to also recommend the type of sanction appropriate. These recommendations should be made no more than twelve (12) business days after the alleged misconduct occurred. The Provost also has the right to make a written recommendation to the University President regarding whether a sanction is warranted at this time. If the Provost determines that a sanction is warranted, he or she also has the right to recommend the type of sanction.

7. The University President alone shall have final authority to make a judgment on the matter, and if necessary, on the type of disciplinary sanction (when misconduct is found to have occurred). The
University President shall provide an explanation in writing to the instructor for the basis of any finding and sanction.

8. The right of the instructor to pursue additional action in accordance with state and federal law is affirmed.

Additional Measures:

1. Students found to have made a false allegation (as opposed to one made in good faith of which an instructor is absolved) should be referred to the Dean of Students for disciplinary action.

2. Instructors should have a right to bring an additional party to any meeting related to an allegation of classroom misconduct. Any additional party shall be present in an advisory capacity only. The advisor is allowed to make closing remarks during the hearing but may not participate otherwise.

3. An instructor should not to delay the process by refusing to cooperate or being unavailable for a scheduled hearing.

4. If an instructor—who has been absolved of a previous allegation—is again accused of classroom misconduct, evidence and findings from the previous case are not admissible to the Faculty Committee, Provost, and University President. Moreover, the previous allegation should play no role and have no bearing on the adjudication and resolution of the current dispute.

5. If an instructor—who has received a previous sanction because of classroom misconduct—is again accused of classroom misconduct, evidence and findings from the previous case are admissible to the Faculty Committee, Provost, and University President. The previous case and sanction may be considered in adjudicating and resolving the current dispute.

6. Procedures should allow for cases in which the University President (or designee) and the instructor accused of misconduct both agree to mediation. In cases into which a settlement resolving disciplinary charges is entered following a referral to the Faculty Committee, the President is encouraged to consult with the Faculty Committee prior to finalizing the settlement.

7. University officials should develop a system for keeping records of disciplinary matters in a confidential manner and for sharing such records with faculty representatives and administrative officers with a demonstrable need to know in accordance with state law and University policy.

8. The Faculty Senate, in cooperation with the University administration, should develop and periodically re-examine procedures to deal with allegations of misconduct related to instruction.