

THE UNIVERSITY OF SOUTHERN MISSISSIPPI

CODE OF STUDENT CONDUCT 2020-21



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MISSION

The Division of Student Affairs develops healthy, connected, and learning-focused students and communities.

VISION

We aspire to provide model programming and services that promote transformational experiences for our students while empowering them to reach their full potential.

VALUES

CIVILITY - Instilling an inclusive community that appreciates the diversity in beliefs and values

EDUCATION - Promoting continuous growth of the campus community through mentoring, teaching and professional development

ENGAGEMENT - Modeling a culture of service and involvement in our campus and community

INTEGRITY - Embracing the Southern Miss Creed when making decisions affecting the campus community

WELLNESS - Supporting all aspects of personal and community well-being

THE CREED AT SOUTHERN MISS

- I belong to a community of scholars at The University of Southern Mississippi.
- I will demonstrate integrity and determination in all academic pursuits.
- I will appreciate the value of differences among people, customs and viewpoints and oppose hatred, bigotry and bias toward others.
- I will exhibit behavior and choose language that demonstrates respect for fellow members of the Southern Miss community.
- I will respect others by honoring their rights, privacy and belongings.
- I will value human dignity in my academic, social and employment settings.
- I commit to exhibiting civil behavior, demonstrating responsible citizenry, and doing my part to achieve a positive and secure living and learning environment for all.

While not a part of the Code of Student Conduct, The Creed at Southern Miss is a statement that was endorsed by the Student Government Association to express how students should ideally interact with each other in a community of diverse ideas and opinions. Students are only subject to disciplinary action based on violations of the Code of Student Conduct and of municipal, state or federal laws.

THE SCOPE OF UNIVERSITY AUTHORITY

Under the laws of the state of Mississippi, the Board of Trustees of State Institutions of Higher Learning has 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 (and the President's designee(s)) to maintain standards of academic achievement and student conduct. The Division of Student Affairs has been delegated responsibility to administer regulations governing conduct at the University. The Code of Student Conduct (CSC) is one of the methods by which the Division of Student Affairs administers those regulations.

1. Code of Student Conduct

The Code of Student Conduct has been established to foster and protect the core missions of The University of Southern Mississippi, to foster the scholarly and civic development of the University's students in a safe and secure learning environment, and to protect the people, properties and processes that support the University and its missions. The core missions of the University are research, teaching and learning, and service. Preservation of academic freedom and free and open exchange of ideas and opinions for all members of the University are central to these missions.

2. Jurisdiction

The CSC applies to conduct of all students and registered student organizations on campus/University premises, including conduct using University computing or network resources. The CSC also applies to the off-campus conduct of students and registered student organizations in direct connection with

- 2.1. Academic course requirements or any credit-bearing experiences, such as internships, field trips, study abroad or student teaching;
- 2.2. Any activity supporting pursuit of a degree, such as research at another institution or a professional practice assignment;
- 2.3. Any activity sponsored, conducted or authorized by the University;
- 2.4. Any activity that causes substantial destruction of property belonging to the University or members of the University community, or causes or threatens

serious harm to the safety or security of members of the University community; or

- 2.5. Any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime of violence.
- 2.6. The CSC governs all campuses and teaching/research sites of the University.
- 2.7. The University reserves the right to administer the CSC and proceed with the hearing process, even if the student withdraws from the University, is no longer enrolled in classes, or subsequently fails to meet the definition of a student while a disciplinary matter is pending. A student whose conduct is under disciplinary review for possible violations of any of the University's standards of conduct may only receive a degree from the University after the investigation, applicable conduct process, appeal and any sanction-related requirements are complete. A student whose conduct is found to be so egregious as to justify dismissal shall be dismissed from the University without receiving a degree, regardless of academic standing at the time of dismissal.
- 2.8. Students continue to be subject to city, state and federal laws while at the University, and violations of those laws may also constitute violations of the CSC. In such instances, the University may proceed with disciplinary action under the CSC independently of any criminal proceeding involving the same conduct, and may impose sanctions for violation of the CSC, even if such criminal proceeding is not yet resolved or is resolved in the student's favor.



STUDENT RIGHTS AND RESPONSIBILITIES

The University of Southern Mississippi is committed to the highest possible quality of instruction, research, service programs and support operations. The University seeks to develop its students, faculty and staff to their fullest potential.

Students at The University of Southern Mississippi have every right to

- Be treated with respect and dignity, regardless of age, sex, sexual orientation, disability, pregnancy, gender identity, genetic information, religion, race, color, national origin, veteran status, or any other status protected under applicable federal, state or local law;
- Learn, live, work and study in a bias-free environment void of harassing behavior;
- Be accepted and judged as individuals, independent of ancestry, social background, physical characteristics or personal beliefs; and
- Conduct their academic and social lives without fear of disruption.

Students at The University of Southern Mississippi are responsible for

- Adhering to all regulations and policies outlined by the University;
- Conducting themselves in a manner that does not interfere with the life and work of the University;
- Obeying the laws of the city, state and federal government; and
- Reporting any misconduct that may affect the academic integrity of the University as a whole.

The University of Southern Mississippi supports and respects the rights of all students, faculty and staff and, therefore, believes it is the job of the University to create an environment conducive to that philosophy. However, the University may take immediate administrative action against a student considered a danger to self, the University or its guests. Any conduct that damages or destroys University property, obstructs University activities, or otherwise prohibits the normal routine of University operations is considered misconduct.

3. Definitions (as used in the Code of Student Conduct)

- 3.1. **“Accused student”** is any student alleged to have violated the Code of Student Conduct. This student will go through the Student Conduct Procedures as outlined in Section 9.
- 3.2. The term **“administrative decision”** refers to the outcome and/or sanctions determined by the conduct administrator or conduct officer, in lieu of a formal hearing before a conduct hearing panel and accepted by the student. Administrative decisions cannot be appealed.
- 3.3. **“Appeal officer”** refers to the Vice President for Student Affairs and takes on this role when a student appeals to the University Appeal Committee.
- 3.4. The term **“business day”** shall be defined as Monday through Friday, excluding official University-recognized holidays.
- 3.5. **“Complaint”** includes a written statement alleging a violation of the Code of Student Conduct, or other published rule applicable to students at the University, provided to an authorized University official, per Section 8. Information submitted by other means will

be reviewed and may, at the University's discretion and consistent with its obligations, be acted upon.

- 3.6. The term **“conduct”** shall be defined to mean conduct or conduct record, or conduct process for, the Code of Student Conduct, as applicable.
- 3.7. The University's chief **“conduct administrator”** is the Dean of Students.
- 3.8. The term **“conduct hearing panel”** is the group of persons authorized by the Dean of Students to determine whether a student has violated conduct regulations and to impose sanctions.
- 3.9. The term **“conduct officer”** is any University staff or faculty member trained and authorized by the Dean of Students to make administrative decisions concerning violations of the Code of Student Conduct.
- 3.10. The term **“conduct regulation”** (otherwise called “CR”) refers to all prohibited conduct. Any student found to have engaged, or attempted to engage, in any of the listed prohibited conduct while within the University's jurisdiction will be subject to disciplinary action by the University. For the purposes of prohibited conduct, “attempt” shall be defined as conduct that, if successful, would constitute or result in the prohibited conduct. An action by a student which indicates an abandonment of an attempt or prevention of prohibited conduct from occurring under circumstances that demonstrate a complete and voluntary renunciation of the prohibited conduct may be considered in mitigation or forbearance of disciplinary action toward that student by the University.
- 3.11. **“Crime of violence”** is defined as (a) an offense that has as an element the use, attempted use or threatened use of physical force against the person or property of another; or (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. It includes, but is not limited to, the offenses stated in Miss. Code Ann. § 97-3-2.
- 3.12. The term **“designated conduct administrator”** refers to the Dean of Students and/or designee. In cases where the Dean of Students and/or designee is not available, the Vice President for Student Affairs and/or designee may serve as the designated conduct administrator.
- 3.13. **“Hearing panel coordinator”** shall mean that the Dean of Students and/or designee shall appoint members of each hearing panel and should be available to serve as a panel resource concerning process, procedures and sanctions. The hearing panel coordinator, at the discretion of the panel chair, may be asked to be present for some or all of a hearing.
- 3.14. **“Hearing panel chair”** will be designated by the hearing panel coordinator to lead the hearing proceedings during a formal conduct hearing. They will

- be in charge of running the hearing, ensuring proper procedures are followed and delivering a final decision to the hearing panel coordinator.
- 3.15. **“Members of the University community”** include, but are not limited to, students, faculty, staff and visitors to the campus.
 - 3.16. The term **“off-campus”** shall refer to any location not described in 3.2 above.
 - 3.17. The term **“policy”** is defined as any written rule or regulation of the University.
 - 3.18. The term **“preponderance of the evidence”** is the standard of proof employed in the student conduct process to determine if a student is responsible for violating the Code of Student Conduct. This standard is satisfied if there is sufficient information to conclude that it is more likely than not that the alleged violation occurred.
 - 3.19. The term **“referral conference”** is the scheduled time for a student to meet with a conduct officer to discuss the allegations against him/her and when the student is given the option of selecting (1) an administrative decision or (2) a formal hearing before a conduct hearing panel.
 - 3.20. **“Student”** includes an individual who has paid an acceptance fee, registered for classes, or otherwise entered into any other contractual relationship with the University to take instruction.
 - 3.20.1. It further includes persons who are eligible to receive any of the rights and privileges afforded a person enrolled at the University, including, but not limited to, those individuals admitted to the University and attending Orientation programs.
 - 3.20.2. Student status lasts until an individual graduates, is dismissed, or is otherwise not in attendance for two (2) complete, consecutive terms.
 - 3.20.3. “Student” also includes registered student organizations.
 - 3.21. The term **“student organization”** refers to any group of students who have organized and been approved for a particular purpose in accordance with the University’s guidelines for registered student organizations, including, but not limited to, fraternities and sororities.
 - 3.22. **“Substantive revision”** shall mean any addition to and/or revision of conduct regulations or prohibited conduct.
 - 3.23. The term **“University”** means The University of Southern Mississippi and all extended campuses or teaching/research sites.
 - 3.24. The term **“University official”** includes any person employed by the University for the purpose of performing assigned administrative, academic or professional responsibilities.
 - 3.25. **“University premises”** or **“on-campus”** includes all lands, buildings, facilities and resources owned, leased, managed, operated by, or under the actual custody or

control of the University, whether temporarily or permanently.

4. Non-Discrimination Policy

The University of Southern Mississippi does not discriminate on the basis of age, sex, sexual orientation, disability, pregnancy, gender identity, genetic information, religion, race, color, national origin, veteran status, or any other status protected under applicable federal, state or local law, in its admission, treatment or access to its educational programs and activities or in its employment practices. The University of Southern Mississippi prohibits sexual and gender-based harassment, including sexual assault and misconduct, and other forms of interpersonal violence.

5. Prohibited Conduct (Academic)

Violations of the Academic Policy will be resolved pursuant to the Academic Integrity Policy. See Academic Integrity Policy: usm.policystat.com/policy/7488242/latest

6. Prohibited Conduct (Sexual Misconduct)

Allegations of sexual misconduct will be resolved pursuant to the Sexual Misconduct Policy and the Procedures for the Resolution of Allegations of Sexual Misconduct. See the full policy: usm.policystat.com/policy/7330256/latest

7. Prohibited Conduct (Residence Hall Violations)

Violations of rules governing University-controlled residence facilities, including visitation violations as defined in the University’s *Housing and Residence Life Handbook*, shall be administered by Department of Housing and Residence Life staff assigned this responsibility. However, violations of the Code of Student Conduct that occur in a Housing and Residence Life facility will be handled in accordance with the processes and procedures outlined in the CSC. See the full policy: usm.edu/housing-residence-life/20202021handbookfinal803.pdf

8. Prohibited Conduct (Student Conduct Violations)

- 8.1. **Alcohol** - Use, production, distribution, sale or possession of alcohol in a manner prohibited under law or applicable University policy or facility policy. See usm.policystat.com/policy/7132025/latest.
- 8.2. **Computer use** - Failure to comply with University computer policies. Computer policies can be found listed under iTech on the Institutional Policies website. Acceptable Use Policy - usm.policystat.com/policy/7250565/latest and the Computer Use Policy of the Library - usm.policystat.com/policy/7362720/latest
- 8.3. **Destruction of property** - Actual or threatened damage to, vandalism of, or destruction of University property or the property of others.
- 8.4. **Dishonest conduct** - Dishonest conduct, including, but not limited to, knowingly reporting a false emergency; knowingly making a false accusation of misconduct; misuse or falsification of University or related documents by actions such as forgery, alteration or improper transfer; or submission of information known by the submitter to be false to a University official.

Providing false identification or allowing others to use your identification to gain access to University facilities, property, programs or services is prohibited.

- 8.5. **Disorderly or disruptive conduct** - Disorderly or disruptive conduct that unreasonably interferes with University activities or with the legitimate activities of any member of the University community, including physical assault, harassment and intimidation.
- 8.6. **Drugs** - Use, production, distribution, sale or possession of drugs in a manner prohibited under law or University policy. This includes, but is not limited to, the misuse of prescription drugs. See usm.policystat.com/policy/7132025/latest.
- 8.7. **Failure to comply with University or civil authority** - Failure to comply with legitimate directives of authorized University officials, law enforcement or emergency personnel, identified as such, in the performance of their duties, including failure to identify oneself when so requested; or violation of the terms of a disciplinary sanction.
- 8.8. **Fire** - The city fire code prohibits anyone from tampering with fire and safety equipment in the residence halls or in any campus building. Tampering includes pulling fire alarms, discharging fire extinguishers, removing exit signs, hanging items from sprinkler heads and interfering with smoke detectors, using emergency exits in a non-emergency, and failing to evacuate during a fire alarm. See usm.policystat.com/policy/7322528/latest.
- 8.9. **Harassment and threatening or aggressive behavior** - whether physical, verbal or electronic – that unreasonably interferes with an individual’s work, academic performance, or creates an intimidating, hostile or offensive work, living or learning environment
- 8.10. **Hazing** - No individual shall directly engage in hazing or indirectly encourage, aid, or assist any other person in hazing. All students and other University representatives, including employees, should immediately report known or suspected hazing violations. See usm.policystat.com/policy/7356984/latest for the full policy.
- 8.11. **Recording of images without knowledge** - Using electronic or other means to make a video, photographic or digital record of any person in a location where there is a reasonable expectation of privacy without the person’s prior knowledge, when such a recording is likely to cause injury, distress or damage to reputation. This includes, but is not limited to, taking video, photographic or digital images in showers/locker rooms, residence hall rooms and restrooms. The storing, sharing and/or distributing of such unauthorized records by any means is also prohibited.
- 8.12. **Riotous behavior** - Participation in a disturbance with the purpose of committing or inciting any action that presents a clear and present danger to others, causes physical harm to others, or damages property. This includes, but is not limited to,
 - 8.12.1. Knowingly engaging in conduct designed to incite another to engage in riotous behavior;
 - 8.12.2. Actual or threatened damage to or destruction of University property or property of others;
 - 8.12.3. Failing to comply with a directive to disperse

by University officials, law enforcement or emergency personnel; or

- 8.12.4. Intimidating, impeding, hindering or obstructing a University official, law enforcement or emergency personnel in the performance of their duties.
- 8.12.5. This rule shall not be interpreted as proscribing peaceful demonstrations, peaceful picketing, a call for a peaceful boycott, or other forms of peaceful dissent consistent with the freedom of expression guaranteed by the First Amendment to the United States Constitution.
- 8.13. **Shared responsibility** - Acting in concert with students to violate University conduct regulations.
 - 8.13.1. Knowingly condoning, encouraging or requiring behavior that violates University conduct regulations.
 - 8.13.2. Allowing, condoning, permitting or providing opportunity for a guest or other non-student to violate University conduct regulations.
- 8.14. **Stalking** - Engaging in a pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action, including the use of social media and other technology.
- 8.15. **Student conduct system abuse** - Abuse of any University student conduct system, including, but not limited to,
 - 8.15.1. Failure to obey the summons or directives of a student conduct body or University official;
 - 8.15.2. Falsification, distortion or misrepresentation of information before a student conduct body;
 - 8.15.3. Disruption or interference with the orderly conduct of a student conduct proceeding;
 - 8.15.4. Knowingly instituting a student conduct proceeding without cause;
 - 8.15.5. Discouraging an individual’s proper participation in, or use of, a University student conduct system;
 - 8.15.6. Influencing the impartiality of a member of a student conduct body prior to and/or during the course of a student conduct proceeding;
 - 8.15.7. Harassment and/or intimidation of a member of a student conduct body prior to, during and/or after a student conduct proceeding;
 - 8.15.8. Failure to comply with one or more sanctions imposed under the Code of Student Conduct; or
 - 8.15.9. Influencing another person to commit an abuse of a University student conduct process.
- 8.16. **Theft or unauthorized use of property** - Theft or the unauthorized use or possession of University property, services, resources or the property of others.
- 8.17. **Tobacco Policy** - The University of Southern Mississippi does not permit smoking or the use of any tobacco product on any property, or at any campus locations of the University, subject to the exceptions noted herein. This includes "tobacco" and/or "smoking" as defined herein. See usm.policystat.com/policy/7135265/latest.

- 8.18. **Unauthorized presence** - Unauthorized entrance to or presence in or on University premises.
- 8.19. **Violation of University rules or federal, state and local laws** - Violation of other published University regulations, guidelines, policies or rules, or violations of federal, state or local law. These University regulations, guidelines, policies or rules include, but are not limited to, those which prohibit the misuse of computing resources, sexual misconduct, academic misconduct, rules for student groups or organizations, and residence hall rules and regulations.
- 8.20. **Weapons** - The University of Southern Mississippi prohibits the possession of pistols, firearms or other weapons in any form by any person other than duly authorized law enforcement officials, institutional security officials, and other authorized persons. Please see usm.policystat.com/policy/7133537/latest for further information on weapons.

9. Student Conduct Procedures

- 9.1. Initiation and investigation of CSC violations: Person(s) witnessing or experiencing what they believe to be a possible CSC violation should provide an authorized University official with the information. That information should be forwarded to the Dean of Students Office for assignment.
- 9.2. Information and/or complaints about possible CSC violations occurring in residence halls should initially be provided to a Department of Housing and Residence Life staff member and forwarded to the Dean of Students. CSC violations occurring in a residence hall can also be reported directly to the Dean of Students Office.
- 9.3. Information and/or complaints about possible non-residence hall-related CSC violations should be provided directly to the Office of the Dean of Students.
- 9.4. Information and/or complaints regarding academic misconduct should be referred to the Academic Integrity Office through the Office of the Provost. See Academic Integrity Policy: usm.policystat.com/policy/7488242/latest
- 9.5. Information and/or complaints regarding sexual misconduct, sexual assault and/or any form of sexual harassment should be referred to the Title IX coordinator. See Sexual Misconduct Policy: usm.policystat.com/policy/7330256/latest
- 9.6. In cases where the alleged activity may involve a violation of criminal law, in addition to a violation of the CSC, information and/or complaints should be provided to the University Police Department or other appropriate law enforcement agency. The University will review all information and/or complaints received and may conduct an investigation of the alleged violation.

10. Investigation

- 10.1. **Role of the University**
- 10.1.1. The University Police Department or other appropriate law enforcement agency shall have primary responsibility for the investigation of acts that involve suspected violations of federal, state and local laws.

10.1.2. The Dean of Students or designee is authorized to investigate all alleged violations of the CSC. Through this process, they have sole discretion in the determination of sanctions for students, student groups, or student organizations found responsible for violating the CSC.

10.1.3. The Academic Integrity Office is authorized to investigate allegations involving academic misconduct.

10.1.4. The Title IX Office is authorized to investigate allegations of sexual misconduct.

10.2. Role of other participants

10.2.1. During the investigation, the student allegedly involved in misconduct

10.2.1.1. Will be notified of the alleged violation; and

10.2.1.2. Will attend referral conferences as requested by University personnel to discuss the alleged violation.

10.2.2. Any person believed to have information relevant to an investigation may also be contacted and requested to attend a conference with University personnel to discuss the matter.

10.2.3. Failure to appear for an appointment relevant to an investigation or a referral conference may result in a disciplinary hold being placed on a student's registration and records and/or the initiation of charges for student conduct system abuse.

10.2.4. Upon completion of an investigation, the investigator will decide upon an appropriate course of action, which may include, but is not limited to,

10.2.4.1. Taking no further action,

10.2.4.2. Deferring further action with or without conditions, or

10.2.4.3. Initiating charges through the appropriate University authority.

11. Filing of Complaint and Initiation of Charges

A written complaint alleging a violation of the Code of Student Conduct should be filed with the Dean of Students Office as soon as practicable following the discovery of the alleged violation. Absent of extraordinary circumstances, the written complaint must be filed within six (6) months of the alleged violation of the CSC.

11.1. Notice of violations

11.1.1. Students shall be notified of alleged Code of Student Conduct violations in writing. Notices of these alleged violations may be sent to the student's official USM email.

11.1.2. All students are required to maintain an accurate and current local and permanent postal and email address with the Office of the University Registrar.

11.2. **Meeting with University official / referral conference** - Following notification of violation(s), students are strongly encouraged to, and shall be afforded the opportunity to, meet with a University official for the purpose of explaining the University student conduct

process and discussion of the alleged violation(s).

- 11.3. **Failure to respond** - Failure of the accused student to respond to the notice of violation(s) or schedule a referral conference shall not prevent the University from scheduling and conducting a hearing in the absence of the accused student. The University's decision cannot be appealed at that time.

12. Administrative Hearing/Decision

In all cases, a student charged with one or more violations of the Code of Student Conduct has the right to a hearing. However, in a case where a charged student admits to such violation(s) in writing, the student may request in writing to have a decision on appropriate action made administratively by the Dean of Students or designee, rather than have the charges referred to a conduct hearing panel. In such situations, the student waives the right to a hearing and the related procedural guarantees provided by a hearing panel. Before the student agrees to an administrative decision in writing, the Dean of Students or designee should advise the student of the proposed sanction(s). An administrative decision, agreed to in writing by the student, is not appealable. The student will be required to enter a plea of "responsible" or "not responsible" for each charge on the notice of hearing. The student may plead responsible and address only the sanction if he or she wishes.

13. Notice of Hearing and Request for Postponement

13.1. **Notice** - If a conduct hearing is to be held, written notification will be provided. The notice will be sent by email to the accused student's official University email address, which may direct the student to view the notice on a secure website; or mailed to the last known address of the student, by first class mail, no fewer than seven (7) calendar days prior to the hearing or sooner if requested by the student. Unless already provided to the student, the notification will include the alleged violation(s), date, time and location of the hearing, the designated conduct hearing panel, a statement of the student's rights, and information on the conduct hearing procedures.

13.2. **Postponement** - The accused student may request a postponement for reasonable cause or a separate hearing from other accused persons. Such request must be made in writing, include supporting rationale, and received by the person sending the hearing notification at least two (2) business days before the scheduled hearing.

14. Hearing Procedures

Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness, the following procedures will apply and, unless already provided to the student, be included within the hearing notice:

14.1. Attendance at hearings is limited to those directly involved or those requested by the conduct hearing panel to attend. The hearing panel chair will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings. All deliberations and votes are strictly confidential,

thus the numerical division or unanimity of any vote shall not be disclosed to any party.

- 14.2. The accused student may have an advisor throughout the disciplinary process. The advisor may only counsel the student and may not actively participate in the conduct hearing, unless clarification is needed as determined by the conduct hearing panel. The Dean of Students Office will offer the student an advocate that is familiar with the conduct hearing process and can assist them with preparing for and attending the conduct hearing.
- 14.3. The accused student may submit a written statement, invite relevant factual witnesses to attend, invite character witnesses to submit written statements, ask questions of witnesses called by others, and will be notified of potential witnesses to be called. The accused must submit a list of potential witnesses to the Dean of Students or designee at least two (2) business days prior to the hearing. The University may present witnesses, as well as question those presented by the accused student.
- 14.4. The conduct hearing panel may allow written statements if, for good reason, a factual witness cannot attend the conduct hearing.
- 14.5. In cases requiring special expertise, the hearing panel may invite individuals with appropriate expertise to serve as consultants to the panel. The consultants may be present and provide information as called upon during the conduct hearing. Any consultant that provides information at a conduct hearing will not have a vote.
- 14.6. An accused student will only be found in violation if a preponderance of evidence supports the charges. In the event of a tie, the conduct panel will continue to deliberate. If after the conduct hearing panel determines that exhaustive deliberations have occurred and a majority decision is not reached, the accused student will be found not in violation.
- 14.7. Because the most accurate and fair review of the facts can best be accomplished when all parties are present, the accused student is expected to attend and participate. If an individual chooses not to attend a conduct hearing, the charges will be reviewed as scheduled on the basis of the information available, and a decision will be made. Although no inference may be drawn against a student for failing to attend a conduct hearing or remaining silent, the conduct hearing will proceed, and the conclusion will be based on the evidence presented. No decision shall be based solely on the failure of the accused student to attend the conduct hearing or respond to the charges.
- 14.8. A single record consisting of an audio recording will be made of all conduct hearings. The record will remain the property of the University but will be made available to the accused student for review during the appeal period.
- 14.9. A verbal notice of the conduct hearing panel decision may be given to the student concluding panel deliberations. A written notice of the decision and, if found in violation, information regarding appeal procedures

will be provided to the accused student by the Dean of Students Office within three (3) business days following the conduct hearing panel's decision.

15. Conduct Hearing Panel

- 15.1. **Membership** - The University conduct hearing panel is responsible for adjudicating allegations of CSC violations referred by the Dean of Students or designee. The full panel membership consists of
- 15.1.1. A minimum of ten (10) faculty and/or staff members recommended by the Dean of Students and/or designee and appointed by the Vice President for Student Affairs for two-year terms, which begin with the fall term;
- 15.1.2. A minimum of ten (10) undergraduate student members, recommended by the undergraduate Student Government Association and appointed by the Dean of Students for a one-year term; and
- 15.1.3. A minimum of four (4) graduate student members, recommended by the Graduate Student Senate and appointed by the Dean of Students for a one-year term.
- 15.2. Each conduct hearing panel shall have a faculty or staff member appointed by the Dean of Students or designee to serve as the panel chair.
- 15.3. The Dean of Students or designee shall serve as hearing panel coordinator.
- 15.4. The Dean of Students or designee shall appoint a qualified conduct officer to present the case to the conduct hearing panel.
- 15.5. All conduct hearing panel members must undergo training conducted through the Dean of Students Office before participating in a conduct hearing.
- 15.6. **Quorum** - A quorum for a conduct hearing shall be no fewer than four (4) voting members of the conduct hearing panel, which shall include no fewer than two (2) student members. A conduct hearing panel shall consist of no more than nine (9) voting members, with a minimum of half the conduct hearing panel being students. A faculty or staff member will be appointed to chair the conduct hearing panel.
- 15.7. **Appointment** - All student appointments shall be for one-year terms beginning in the fall term. Students, faculty and staff are eligible to serve multiple terms.
- 15.7.1. To be eligible for appointment or service, a student must possess a minimum 2.5 cumulative grade point average and not be under current disciplinary sanction from the University.
- 15.7.2. Additional members may be appointed as needed.
- 15.8. **Removal** - The Dean of Students or designee, with the approval of the Vice President for Student Affairs, may remove University conduct hearing panel members for cause, including, but not limited to, not attending training, falling below the minimum grade point average, repeated absences, violating the Code of Student Conduct or other applicable laws or policies, or not responding to repeated attempts of communication.

Notification shall be made in writing to the University conduct hearing panel member prior to removal, whenever possible.

16. University Sanctions

- 16.1. **General guidelines for sanctions** - Sanctions should be commensurate with the violation(s) found to have occurred. In determining the sanction(s) to be imposed, the Dean of Students or designee or conduct hearing panel should take into account any mitigating circumstances and any aggravating factors, including, but not limited to, any provocation by the subject of the conduct that constituted the violation; any past misconduct by the student; any failure of the student to comply fully with previous sanctions; the actual and potential harm caused by the violation; the degree of intent and motivation of the student in committing the violation; the severity and pervasiveness of the conduct that constituted the violation; and whether or not the conduct has been found to constitute a clear and present danger to the University community. Misconduct motivated by bias based on age, color, disability, gender identity or expression, national origin, race, religion, sex, sexual orientation or veteran status may be considered an aggravating factor for sanctioning. Impairment resulting from voluntary use of alcohol or drugs (i.e., other than medically necessary) will also be considered an aggravating, and not a mitigating, factor. One or more of the following courses of action may be taken when a student has been found to have violated the Code of Student Conduct:
- 16.2. **Informal warning** - An oral or written warning issued by the Dean of Students or designee, or authorized Department of Housing and Residence Life staff member resulting from the student's misconduct. No formal charges are required before the issuance of an informal warning. However, following issuance of an informal warning, the student shall be entitled to a hearing upon written request, under the procedures provided in the Code of Student Conduct. A written request for such a hearing must be filed with the University official who administered the informal warning within five (5) working days of the student's receipt of the informal warning. An informal warning shall not be considered a disciplinary sanction, but may be considered an aggravating or mitigating factor in any subsequent hearings.
- 16.3. **Disciplinary sanctions**
- 16.3.1. **Campus/Community service** - The student and/or student organization may be assigned to a community service site located on or off campus, with acceptance by the agency or organization. A predetermined number of hours must be completed by a given date.
- 16.3.2. **Disciplinary probation** - This probationary condition shall be in effect for a specified period of time and may involve the loss of specified privileges. Further violation of University policies during the probationary period will

additionally be viewed as a violation of the probation, which shall result in further action up to and including suspension or dismissal from the University.

- 16.3.3. **Educational restorative justice** - Student(s) can be required to complete related educational assignments, such as, but not limited to, readings, focused papers, training modules, written apologies and interactive assignments.
- 16.3.4. **Expulsion** - Expulsion is a sanction which permanently separates a student or student organization from the University without opportunity to re-enroll or be reinstated in the future.
- 16.3.5. **Formal reprimand** - A written letter of reprimand resulting from a student's misconduct.
- 16.3.6. **No-Contact** - A student is directed to have no contact with another University member until the order is lifted in writing. The student(s) are to refrain from contacting or communicating through a third party in any way, at any time, sending anything, or any other means of communication.
- 16.3.7. **Probation** - The student and/or student organization may be placed on probation, with or without other punitive sanctions. The time frame and the conditions of a probationary sanction can be set at the discretion of the Dean of Students or designee or the conduct hearing panel. Additional CSC violations during the probationary period may result in additional sanctions.
- 16.3.8. **Restitution** - The Dean of Students or designee or the conduct hearing panel has authority

to order that the student, and/or the student organization, as a condition of the student's or its continued presence in the University community, render monetary restitution for the damages or injuries caused by their actions.

- 16.3.9. **Suspension** - Suspension is a sanction that terminates a student's enrollment at the University or a student organization's affiliation with the University for a specified period of time. Satisfactory completion of specified stipulations may require readmission or reinstatement at the end of the suspension period.
- 16.4. **Conditions of suspension and expulsion** - A student who has been expelled or suspended from the University shall be denied all privileges afforded to a student and shall be required to vacate the campus at a time determined by the Dean of Students or designee or conduct hearing panel. In addition, after vacating campus property, a suspended or expelled student may not enter upon campus and/or other University property at any time, for any purpose, in the absence of expressed written permission from the Vice President for Student Affairs or designee. To seek such permission, a suspended or expelled student must file a written petition to the Vice President for Student Affairs for entry to the campus for a limited timeframe, specified purpose or to have the terms of this condition modified or reduced.
- 16.5. **Other sanctions** - Other appropriate sanctions may be imposed by the Dean of Students or designee or conduct hearing panel singularly or in combination with any of the above-listed sanctions. Examples include, but are not limited to, making restitution for property damage; misappropriation of University



property or services or the property of any person; residence hall contract termination or reassignment to another room; restriction of access to specified campus facilities and/or property; exclusion from University premises, research assignments, community service projects, special workshop participation and/or referral to medical resources or counseling personnel.

17. Appeal Process

- 17.1. **Right to appeal** – A student found to have violated the Code of Student Conduct through a formal hearing process has the right to appeal the original decision of the conduct hearing panel. The appeal is not intended to re-hear or re-argue the case and is limited to the specific grounds outlined below. The appeal must state the specific grounds for the appeal and should include all supporting documentation. The appeal must be postmarked or hand-delivered to the appropriate appeal officer, or sent via email as provided below, within five (5) business days after the date on which notice of the decision was sent to the student. Each student shall be limited to one appeal. The decision of the University Appeals Committee (defined in Section 17.4) is final.
- 17.2. A student who has accepted responsibility for violating the Code of Student Conduct and the determined disciplinary sanction waives the right to appeal.
- 17.3. A student who does not show for either a referral conference and subsequent administrative hearing, or does not show for a conduct hearing, loses their right to an appeal if that case is heard in abstentia.
- 17.4. **University Appeals Committee**
 - 17.4.1. The University Appeals Committee shall consist of four members of faculty or staff appointed annually by the University President and four students appointed by the Student Government Association 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 members, there shall be a University Appeals Committee chair appointed by the University President.
 - 17.4.2. The University Appeals Committee shall have appellate jurisdiction in all cases involving alleged violations of the Code of Student Conduct, which have been determined through a formal hearing by a conduct hearing panel.
 - 17.4.3. A simple majority of committee members (excluding the chair) must be present in order to hear an appeal and must include at least two faculty or staff members and two students.
- 17.5. **Grounds for appeal** – An appeal must be made in writing and may be based only upon one or more of the following grounds for appeal:
 - 17.5.1. Procedural error that resulted in material harm or prejudice to the student (i.e., by preventing a fair, impartial or proper hearing). Deviations from the designated procedures will not be a basis for sustaining an appeal unless material harm or prejudice results.
 - 17.5.2. Discovery of substantial new evidence that was unavailable to the appealing student at the time of the hearing upon reasonable search and inquiry, and which reasonably could have affected the decision of the conduct hearing panel.
 - 17.5.3. Disciplinary sanctions imposed are grossly disproportionate to the violation(s) committed, considering the relevant aggravating and/or mitigating factors.
 - 17.5.4. Non-attendance by the accused student is not grounds for an appeal.
- 17.6. **Appeal proceedings**
 - 17.6.1. The appeal officer and/or University Appeals Committee will dismiss the appeal if the appeal is not based upon one or more of the grounds set forth in Section 17.5 above.
 - 17.6.2. The appeal officer and/or University Appeals Committee will decide the appeal based upon a review of the record and supporting documents (e.g. prior disciplinary history).
 - 17.6.3. The appeal officer and/or University Appeals Committee may consider additional relevant information from any party to the proceeding and then decide the appeal based upon the enhanced record.
 - 17.6.4. The review of the appeal generally does not involve the appealing student being present; however, the University Appeals Committee may request their presence if needed.
- 17.7. **Possible dispositions by the appeal officer and/or University Appeals Committee**

The appeal officer or committee, after a review of the record may

 - 17.7.1. Uphold the original decision and/or sanction(s);
 - 17.7.2. Dismiss the case or individual charge(s) against the appealing student and vacate any portion or all of the sanction(s);
 - 17.7.3. Modify, enhance or reduce the original sanction(s); or
 - 17.7.4. Remand the case to the original conduct hearing panel or refer the case to a new hearing officer or conduct hearing panel to be reheard. If possible, a new hearing officer or conduct hearing panel members should be different from the one(s) that originally heard and decided the case. If a case is reheard by a hearing officer or panel, the sanction imposed can be greater than that imposed at the original hearing.
- 17.8. **Minor deviations from procedure** – A student and Dean of Students or designee or conduct hearing panel may agree in advance to minor deviations from procedure. Such deviations are not then subject to appeal. Other minor deviations are acceptable, as long as such deviations are not found upon appeal to be materially harmful to the accused student.

18. Interim Suspension

When the Vice President for Student Affairs or designee has reasonable cause to believe that a student's presence or a student organization's presence on University premises, or at a University-related registered student organization's activity, poses a significant risk of substantial harm to the safety or security of themselves, others or to property, the student may be immediately suspended from all or any portion of the University premises, University-related activities or registered student organization activities. This interim suspension will be confirmed by a written statement and shall remain in effect until the conclusion of a full hearing or administrative decision, without undue delay, in accordance with the rules of The University of Southern Mississippi. The student may, within three (3) business days of the imposition of the suspension, petition the Vice President for Student Affairs for reinstatement. The petition must be in writing and must include supporting documentation or evidence that the student does not pose, or no longer poses, a significant risk of substantial harm to the safety or security of themselves, others or to property. A decision on such petition will be made without undue delay by the Vice President for Student Affairs or designee. The Vice President for Students Affairs may (1) overturn the interim suspension or (2) uphold the interim suspension. In either case, the student conduct process will proceed with the student choosing either an administrative hearing or a conduct hearing panel to resolve the alleged violation(s) of the Code of Student Conduct.

19. Administrative Disenrollment and Other Restrictions

- 19.1. A student may be dismissed from the University; prohibited from all or any portion of University premises, University-related activities or registered student organization activities; and/or permitted to remain only under specified conditions when the Vice President for Student Affairs or designee finds that there is clear and convincing evidence that the student's continued presence poses a significant risk of substantial harm to the health or safety of themselves, others or to property.
- 19.2. In those cases in which it appears that the risk posed by the student is a result of a health condition or a disability as defined by the Americans with Disabilities Act, the Vice President for Student Affairs or designee shall also determine whether the risk or disruption can be eliminated or sufficiently reduced through reasonable accommodation(s) and, if so, shall take appropriate steps to ensure that accommodation is made. The Vice President for Student Affairs or designee may request the student to undergo an appropriate examination, as specified by the Vice President for Student Affairs or designee, to determine whether any such condition exists and whether any such accommodation is possible. If the student fails to undergo such an examination, and if the other available evidence supports a finding, the Vice President for Student Affairs or designee shall, to the extent reasonably possible, take the least restrictive measure or combination of measures necessary to resolve the risk or disruption.

- 19.3. A student who has been dismissed; prohibited from University premises, University-related activities or registered student organization activities; or permitted to remain only under specified conditions may petition the Vice President for Student Affairs for revision of that status within 3 business days of their dismissal. The petition must include supporting documentation or evidence that
 - 19.3.1. The conditions found to have existed no longer exist and will not recur, and
 - 19.3.2. The student meets all normal and appropriate standards for admission and enrollment in any academic unit in which the student seeks to re-enroll.
- 19.4. Upon receipt of such a petition, the Vice President for Student Affairs or designee shall evaluate the evidence and may consult with the student, any appropriate University personnel, and any other persons whom the Vice President or designee deems appropriate. The Vice President or designee may deny the petition, grant the petition in whole or in part under specified conditions, or grant the petition in whole or in part without condition.

20. Authority

The bylaws of the Board of Trustees of the Institutions of Higher Learning, State of Mississippi provide that the University President shall have the final responsibility and authority for the discipline of all students of the University. This responsibility and authority has been delegated by the President to the Vice President for Student Affairs, whose office is also charged with responsibility for promulgation of rules governing student conduct.

- 20.1. The deans of colleges and of the Graduate School, the directors of schools, and the chairs of departments, respectively, are responsible to the University President through regular student conduct channels for the behavior of all students in the activities of their respective colleges, schools and departments.
- 20.2. The University of Southern Mississippi Code of Student Conduct is an official publication of the University. All petitions for revision and amendment of the CSC should be submitted through the Office of the Vice President for Student Affairs. No substantive revision to the Code of Student Conduct shall become effective unless reviewed and supported by the Vice President for Student Affairs and submitted for approval to the University Executive Cabinet. Absent extraordinary circumstances, any changes in the administration of the Code of Student Conduct, as determined by the Vice President for Student Affairs, and/or any substantive revisions approved by the Executive Cabinet, should only occur once a year, prior to the beginning of a new academic year. The Code of Student Conduct must be available to all students on the Division of Student Affairs website.

END OF DOCUMENT

The University of Southern Mississippi
DIVISION OF STUDENT AFFAIRS
Office of the Dean of Students
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