



OP 91.100: CODE OF STUDENT CONDUCT

Purpose

To develop self-reliance and to form desirable and acceptable habits of conduct among students.

Policy

Mississippi State University recognizes students as adults who are expected to obey the law and the rules and regulations of the university, to take personal responsibility for their conduct, to respect the rights of others, and to have regard for the preservation of state and university property, as well as the private property of others. Those found responsible for violating the law or rules and regulations of the university may receive a maximum sanction of expulsion from the university.

Application

The Code of Student Conduct applies to all students while present on campus or at a University facility. It further applies to all student conduct that occurs in connection with a University program or activity, regardless of the location.

Further, the University reserves the right to take appropriate action, up to and including expulsion, when, in the University's judgment, a student's conduct off-campus and not connected to any University program or activity: (1) indicates that the student may pose a danger to others; or (2) the conduct has a negative impact on the University community or the University's mission.

Violations

Although not all inclusive, some aspects of misconduct which are unacceptable and subject the student to disciplinary action are as follows:

Alcohol: Unlawful sale, possession, consumption, use, or distribution of alcohol (including beer and wine)

Assault: Any intentional behavior that causes or may cause physical harm to another individual, including simple assault, aggravated assault, fighting, and sexual assault (For additional information on sexual assault see OP 03.04 Sexual Misconduct).

Assisting or Cooperating: Assisting or cooperating with a violation of the Code of Student Conduct or other university rules and regulations by another or others.

Disobedience to Officials: Failure to comply with directions of any university official (whether the request is by mail, email, telephone, or in person) when that official has identified themselves and is acting within the course and scope of their duties or interfering with an ongoing university investigation; Cooperation includes, but is not limited to, responding to requests for conferences on matters pertaining to the student at the university and/or presentation of university identification.

Disorderly Conduct/Disruptive Behavior: Conduct that includes violent, noisy, or drunken behavior on university controlled property or while representing the university or attending a university function, or any action that interferes with or attempts to disrupt the learning environment. (See OP 91.109: Dissent, Disruption, and Academic Freedom and AOP 10.08: Classroom Regulations.)

Drugs: Unlawful sale, possession, use, or distribution of illegal drugs

Explosive Devices: Possession or discharge of explosive devices of any kind on the campus of Mississippi State University. Exceptions may be permitted for fireworks displays planned in advance for celebrations. Exception permits must be approved by the Dean of Students and issued by the Mississippi State University Police Department (also see OP 91.120: Possession of Firearms, Explosives, or Other Devices, Substances, or Weapons).

Fee Payment: A failure to pay fees, deferred fees, traffic penalties, library penalties, housing fees, student loans, and other financial obligations to the university will be handled as an administrative procedure with the appropriate department initiating a hold on the student's records through the Registrar's Office. Students who present bad checks (insufficient fund checks) will be referred for record holds and/or disciplinary action.

Fraud: Obtaining, or attempting to obtain, something of value or preferential treatment through trickery, deceit, or threatening means.

Fraudulent Action: Any false information provided to the university or other actions such as making a false report or wrongfully setting off a fire alarm which causes the commitment or summons of any emergency service or university resources.

Gambling: Encouraging, promoting, or participating in gambling on campus, except games or raffles approved by the Dean of Students.

Harassment: Refer to OP 03.03: Discrimination, Harassment and Retaliation, and OP 03.04: Sexual Misconduct.

Hazing: Refer to OP 91.208: Hazing

National Security Risks: Engaging in the unauthorized disclosure or export of information sensitive to the U.S. National security interests that has been marked as Classified; espionage; treason; terrorism; or the like.

Ordinances or Laws: Any violation of civil or criminal ordinances or laws which brings into question the student's integrity, potential harm to the university community, or brings discredit upon the university.

Sexual Misconduct: Refer to OP 03.04: Sexual Misconduct.

Theft: Unauthorized use, taking, or withholding of anything of value belonging to another entity.

Trespass: Unauthorized entry onto, or into, the property of others. Property of others includes buildings, rooms, computers, computer accounts, and computer systems. (See OP 01.12: Use of Information Technology Resources.)

Traffic and Parking: Any violation of university rules regarding the operation and parking of motor vehicles. (See OP 95.503: Management of Traffic and Parking; OP 01.506: Campus Roadways; and OP 95.501: Traffic and Parking Rules and Regulations.)

Vandalism: Abuse, damage, destruction, or defacement of university, state, federal, public, or private property.

Violations of the Honor Code: Refer to AOP 12.07.

Violation of other University policies: A violation of any course, departmental, college, or university policy or procedure.

Weapons: Refer to OP 91.120: Possession of Firearms, Explosives, or Other Devices, Substances, or Weapons.

Procedure

1. Authority

Bylaws and Policies of the Board of Trustees of State Institutions of Higher Learning charges the President of Mississippi State University with the responsibility of maintaining "appropriate standards of conduct of students" and further authorizes him or her "to expel, dismiss, suspend, and place limitations on continued attendance and to levy penalties for disciplinary violations...." In accordance with this responsibility, the aim of disciplinary action is the redirection of student behavior toward the achievement of academic and social goals. The President has delegated this function to the Vice President for Student Affairs, who in turn has delegated it to the Dean of Students. It is the responsibility of the Dean of Students to initiate, implement, and supervise the disciplinary process for students.

The Dean of Students' Office may be assisted in the disciplinary determinations by a series of councils and boards which hear cases assigned to them. The involvement of peer groups in such decisions is consistent with the university's educational goals and its practice of student participation in institutional governance.

In cases involving alleged sexual misconduct, investigation and disciplinary procedures are governed by the university's Sexual Misconduct Policy, OP 03.04. To the extent the Sexual Misconduct Policy contains additional or different rules or requirements from the Code of Student Conduct, the former will control in cases of alleged sexual misconduct.

2. Disciplinary Responsibility

The Dean of Students, by delegated authority, is assigned the responsibility of receiving and handling all disciplinary matters concerning the behavior of students, student groups and/or student organizations. The Dean, who has sole discretion, assigns cases based on the type of behavior, status, and case load of various boards. The Dean of Students' Office also has sole discretion in the determination of sanctions for students, student groups, or student organizations found responsible for violating the Code of Student Conduct.

3. Disciplinary Procedures

Disciplinary procedures may be initiated on individual or organizational behavior upon receipt and analysis of an official incident report or valid complaint. The Dean of Students' Office will investigate to determine if there is sufficient cause to proceed with disciplinary action. Should sufficient cause be determined, the Dean of Students' Office may conduct an administrative hearing, assign the case to be mediated, or assign the case to a student conduct board. Some examples of the boards are:

- a. The Greek Conduct Board, original jurisdiction and appeal board for Greek organizations
- b. The Student Conduct Board, original jurisdiction and appeal board for students
- c. An Administrative Board, original jurisdiction, sexual misconduct, and appeal board
- d. Mediation – by students or administrators trained by the Dean of Students' Office

4. Conduct Board Notification Process

The student, student group, or student organization accused shall be notified in writing or email by the Dean of Students' Office of the specific charges, the board assigned to hear the charges, the time and place of the hearing, and the names of witnesses who are expected to present information. The notification will inform the accused student, student group or student organization of the following in regards to the hearing:

- a. That he/she may bring any witness to the hearing to present information on his/her behalf.
- b. That he/she may be accompanied by an advisor of his/her choosing during any time that he/she may appear before the board; however, if the advisor is an attorney, the Dean of Students' Office must be notified 48 hours prior to the hearing.

- c. That the student, not the advisor, is responsible for presenting his/her case; therefore, the advisor may not address members of the student conduct board or witnesses or speak during the proceedings.
- d. That he/she shall be permitted to question information presented at the hearing.
- e. That the hearing shall be conducted in accordance with policy set forth in "Conduct Board Hearing Procedures" below.
- f. That any record of the hearing and all documents related to the hearing will be made and kept with the Dean of Students' Office.

A letter of notification shall be emailed according to MSU policy (see OP 91.26: Electronic Communications Student Policy) no less than three (3) days prior to the time designated for the student's appearance before the board, unless a shorter period of notification is acceptable to the student.

5. Conduct Board Hearing Procedures

Conduct Board hearings at Mississippi State University are hearings to arrive at decisions regarding student behavior. These decisions affect the student and his/her relationship with the university. The administration of discipline is an educational process and procedures will be determined by educators. Such procedures will give full cognizance to the tests of fairness and justice, and the requirements of due process. At disciplinary hearings, technical rules/evidence applicable to civil and criminal cases shall not apply. Rules and procedures for conducting disciplinary hearings are as follows:

- a. Conduct board hearings are of a private, confidential nature. They are closed to the public, unless opened by the Dean of Students' Office.
- b. The hearing is presided over by a chair of the hearing body.
- c. The format of a hearing will follow this sequence:
 - (1) The presiding officer will read the charges.
 - (2) A call is made for the plea of the accused to the charges. The accused may plead responsible, not responsible, or no plea.
 - (3) Information will be presented by the University which may include testimony of witnesses and supporting information on the charges. The accused may ask questions of the witnesses present or rebut any information presented.
 - (4) The accused may present a response which may include testimony of witnesses and supporting information.
 - (5) All witnesses will be called separately and may not hear each other's testimony.

- (6) Examination and questioning by members of the board may follow any witness statement or information presented.
- (7) The board will go into closed session to decide whether the accused is responsible for a violation of the Code of Student Conduct. These deliberations will be closed to all but the members of the board and representation from the Dean of Students' Office.
- (8) The accused will be called back into the room and the decision of whether the accused is responsible for a violation of the Code of Student Conduct is announced to all present at the hearing. If the accused is found to be responsible, the accused may make a statement on his/her behalf regarding the sanction.
- (9) The board will go back into closed session to consider the sanctions. These deliberations will be closed to all but members of the board and representation from the Dean of Students' Office.
- (10) The board will present a written finding and the recommended sanction(s), if any, to the Dean of Students' Office who will in turn so inform the accused in writing as soon as possible. This recommendation will be used by the Dean of Students' Office in the final determination of sanctions, but ultimately the Dean of Students' Office has sole discretion in the application of sanctions for students, student groups, or student organizations found responsible for violating the Code of Student Conduct.

6. Sanctions

Violation of the Code of Student Conduct and university regulations will be enforced. If the behavior of a student is such that his or her continuance at the university would be hazardous to others or detrimental to the university, the Dean of Students may, at his or her discretion, impose temporary emergency measures which may include but are not limited to immediate suspension, removal from housing, academic restrictions and facility restrictions as he or she deems necessary until the disciplinary process is complete. Student conduct sanctions are educational in nature. More than one sanction or any combination of sanctions may be imposed for any single violation. The following list is an example of sanctions, however it is not all inclusive of all possible sanctions.

- **Expulsion** - Separation of the student from the university whereby the student is never eligible for readmission to this university.
- **Suspension** - Separation of the student from the university for a defined period of time.
- **Conduct Probation** – An official warning that the student's conduct is in violation of the Code of Student Conduct, but is not sufficiently serious to warrant expulsion or suspension. A student on conduct probation may face expulsion or suspension if found responsible for another violation. A student may also be ineligible to represent

- the university and additional restrictions or conditions may be imposed depending on the nature and seriousness of the misconduct as specified in the sanction.
- **Loss of campus housing** – Removal from university housing for disciplinary reasons.
 - **Community service** – A student may have to complete a specified number of community service hours.
 - **Restrictions** – The withdrawal of specified privileges for a defined period of time.
 - **Restitution** – A payment for financial reimbursement in cases involving loss of or destruction of property or deception.
 - **Warning** – Reprimand of a student for actions violating the Code of Student Conduct.
 - **Educational Requirements** – A stipulation to complete a specific educational requirement directly related to the violation of the Code of Student Conduct committed. The provision will be clearly defined. Educational requirements may include, but are not limited to, completion of an alcohol or drug education course, an integrity course, essays, reports, etc.

7. Appeals

The student, group, or registered organization being disciplined may petition for an appeal of a decision reached by a conduct board or administrative hearing. A petition for an appeal must be made in writing by the student or student organization to the Dean of Students' Office within a period of five (5) days from the date of notification. A petition for appeal made to the Dean of Students' Office will be reviewed to determine its merit and must be based on one or more of the following reasons:

- a. An error in procedure, which prejudiced the process to the extent that the participant was denied a fundamentally fair hearing as a result of the error. Procedural flaws alone are not grounds for an appeal. Significant procedural errors that may have affected the verdict or sanction will be considered.
- b. The emergence of new evidence that could not have been previously discovered and that, had it been represented at the initial hearing, would have substantially affected the original decision of the hearing body.

The student, group, or organization being disciplined must specify in detail why they believe they are entitled to an appeal. Based on its merit, the request for appeal will be reviewed by the Dean of Students or his or her designee. A request for appeal which does not clearly raise, in writing, one or more of the reasons listed above shall be dismissed without further consideration. The request for appeal shall be limited in its review to the reason or reasons raised in the written appeal. The decision of the Dean of Students or his or her designee, granting or denying the appeal will be in writing. If an appeal is granted, the matter will be moved to the appropriate board which will have full discretion in the determination of responsibility and recommendation of sanctions. Following the notification by the student, group, or organization of the intent to petition for appeal and pending the appeal process, the disciplinary action taken by the university may be stayed unless the Dean of Students' Office has determined in a case involving

removal from the university that the continued presence on campus of the charged student, group, or organization poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. The decision to grant or deny the appeal and the outcome of any appeal hearing is final.

8. Medical Amnesty

The health, safety, and welfare of students are of the utmost importance. As such, all students are expected to alert appropriate officials in the event of any health or safety emergency, specifically those involving another student's abuse of alcohol or drugs.

In a situation involving imminent threat or danger to the health or safety of any individual(s), students are expected to:

1. Contact emergency officials by calling 911 to report the incident,
2. Remain with the individual(s) needing emergency treatment and cooperate with emergency officials, so long as it is safe to do so
3. Meet with appropriate university officials after the incident and cooperate with any university investigation.

Because the university understands that fear of possible disciplinary action may unnecessarily deter certain requests for emergency assistance, students who report such emergencies will not be found responsible for alcohol or drug-related policy violations provided the above protocol is followed. However, the incident will be documented, and educational, community, and health interventions as well as contact with a student's parents or family may be required. The protocol does not protect repeated, flagrant, or serious violations of the Code of Student Conduct or other university policies (including physical or sexual assault, violence, hazing, harassment, theft, or vandalism or instances where multiple individuals need medical attention), nor does it preclude or prevent action by police or other legal authorities.

Only an individual student (including an individual member of a student organization) may receive amnesty under this policy. The Medical Amnesty Policy does not provide amnesty for student organizations.

Review

The Vice President for Student Affairs is responsible for the review of this operating policy every four years or as needed.

REVIEWED BY:

/s/ Regina Hyatt
Vice President for Student Affairs

02/26/2018
Date

/s/ Joan Lucas
General Counsel

03/08/2018
Date

/s/ Timothy N. Chamblee
Assistant Vice President and Director
Institutional Research & Effectiveness

03/06/2018
Date

APPROVED BY:

/s/ Mark Keenum
President

03/18/2018
Date

This policy has been superseded