



Mississippi  
College

A CHRISTIAN UNIVERSITY

*Student Code of Conduct*

*2019-2020*

# Table of Contents

Article I: Student Responsibilities & Definitions	3
Article II: Student Conduct Authority	7
Article III: Community Standards	8
Article IV: Student Rights	15
Article V: Student Conduct Procedures	17
Charges	17
Administrative Student Conduct Conference	17
Retaliation	17
Hearings	18
Sanctions	21
Typical Sanction Ranges	24
Interim Suspension	25
Appeals	25
Article VI: Interpretation and Revision	27

## **Article I: Student Responsibilities & Definitions**

It is assumed that every student enrolling in Mississippi College agrees to conduct himself or herself in a manner conducive to the highest sort of mental and moral development in keeping with the ideals and traditions of Mississippi College. Personal misconduct either on or off campus by anyone connected with Mississippi College detracts from the Christian witness Mississippi College strives to present to the world and hinders full accomplishment of the mission of Mississippi College.

As an institution pledged to the Christian principle of concern for others, the College enunciates a definite position on certain matters. Students who elect to attend Mississippi College, realizing its position on such matters, are expected to respect and abide by that position. Students who evidence an unwillingness or inability to conduct themselves in accordance with College standards and any other rules and regulations of the College not specifically listed here, either on or off the campus, shall be subject to disciplinary action.

The faculty, administration, and Student Government Association cooperate in the student conduct process. Student participation in the conduct process is by allowance and not as a delegation of ultimate authority or responsibility. This procedure, it is hoped, will aid the students of Mississippi College to receive fair treatment and procedure, according to and by the rules, regulations, standards and ideals of this institution, allowing them an opportunity to exercise “self-discipline” to the fullest extent possible.

Mississippi College students are responsible for knowing the information, policies and procedures outlined in this document. Mississippi College reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online ([www.mc.edu/tomahawk](http://www.mc.edu/tomahawk)) for the updated versions of all policies and procedures.

### **Definitions**

1. The term “College,” “University,” “Institution,” or “MC” means Mississippi College.
2. The term “student” includes all persons taking courses at Mississippi College, both full-time and part-time, pursuing undergraduate, graduate, doctorate or professional studies and those who attend post-secondary educational institutions other than Mississippi College and who reside in Mississippi College residence halls. A person who is not officially enrolled for a particular term but has a continuing relationship with Mississippi College is considered a “student.”
3. The term “faculty member” means any person assigned by the College to conduct classroom activities.
4. The term “College official” includes any person performing assigned administrative or professional responsibilities.
5. The term “member of the College community” includes any person who is a student, faculty member, College official or any other person employed by Mississippi College. A person’s status

in a particular situation relative to this code shall be determined by the Chief Conduct Officer.

6. The term “College premises” includes all land, buildings, facilities, and other property in the possession of, or owned, used or controlled by Mississippi College including adjacent streets and sidewalks.
7. The term “organization” means any number of persons who have complied with the formal requirements for recognition of an organization at Mississippi College.
8. The term “Student Conduct Body” means any person or persons authorized by the Chief Conduct Officer to determine whether a student has violated the *Mississippi College Student Code of Conduct* and to recommend imposition of sanctions.
9. The term “Student Hearing Board” is a hearing board made up of students elected and/or appointed according to the procedures outlined in the Mississippi College Student Government Association Constitution and Bylaws.
10. The term “University Hearing Board” is a hearing board made up of at least one faculty member, one staff member and one student representative chosen from the University Hearing Board Committee.
11. The term “Conduct Officer” or “Student Conduct Officer” means a Mississippi College official authorized on a case-by-case basis by the Chief Conduct Officer to impose sanctions upon students found to have violated the *Mississippi College Student Code of Conduct*. The Chief Conduct Officer may authorize a conduct officer to serve simultaneously as a conduct officer and the sole member or one of the members of a student conduct body. Nothing shall prevent the Chief Conduct Officer from serving as conduct officers or authoring the same conduct officer to impose sanctions in all cases.
12. The term “Appellate Body” means any person or persons authorized by the Chief Conduct Officer to consider an appeal from a conduct body’s determination that a student has violated the *Mississippi College Student Code of Conduct* or from the sanctions imposed by a Conduct Officer.
13. The term “shall” is used in the imperative sense.
14. The term “may” is used in the permissive sense.
15. The term “Chief Conduct Officer” means a Mississippi College official authorized by the President to be responsible for the ongoing or temporary administration of the *Mississippi College Student Code of Conduct*.
16. The term “policy” is defined as the written regulations of Mississippi College as found in, but not limited to, the *Mississippi College Student Code of Conduct*, The Mississippi College *Tomahawk*

(Student Handbook), written Residence Life material, the Graduate Catalog, the Undergraduate Catalog, and any additional materials otherwise published or disseminated as policy.

17. The term “academic honesty” which includes but it is not limited to prohibitive acts such as “plagiarism” and “cheating” is addressed in Policy 2.19: Academic Honesty in the *Mississippi College Policies and Procedures Manual*. The following is taken from that policy:
  - a. Cheating
    - i. Cheating on examinations, shall include, but not be limited to: (a) taking answers from another students’ paper or allowing answers to be taken from one’s own paper during an examination or quiz; (b) the use of notes or any other aid not specifically allowed or approved by the instructor; (c) unauthorized access to an administered examination or quiz and dissemination of same; (d) collaboration on take-home examinations unless specifically approved by the instructor. Cheating on course assignments, shall include, but not be limited to: (a) receiving editorial assistance beyond that expressly allowed by the instructor; (b) collaborating with another person in the preparation of any assignment offered for credit when such collaboration is prohibited by the instructor; (c) submitting the same work for credit in more than one course, regardless of whether or not such submission occurs within the same term. An exception may be granted if the student receives written permission in advance from his/her instructor(s).
  - b. Plagiarism
    - i. No student shall submit as his or her own work any term paper, research paper, thesis or other academic assignment of original work that in any part is not in fact his/her own work. Knowingly using the ideas of another person and offering them as one’s own original ideas is prohibited by this policy to the same extent as knowing using the words of another writer and offering them as one’s own original writing.
  - c. Other Academic Misconduct
    - i. Other academic misconduct shall include, but not be limited to: (a) unauthorized access to an/or the alteration of school records, including but not limited to, transcripts, grade books, class rolls, and grade reports. This prohibition extends to all such records of the university, including those which are stored and maintained electronically; (b) submitting any assignment for credit which is based in part or in total on data which is either fabricated or manufactured; (c) misrepresenting one’s self for the purpose of taking an examination for another student or allowing such representation to occur; (d) the forgery, alteration, and/or misuse of university documents, including student identification cards with intent to defraud, deceive, or mislead; (e) providing false information or misleading information to avoid penalties for unexcused or excessive absences in any class or to obtain permission to drop a course without penalty after the established drop date.
18. The term “computing facilities” includes, but is not limited to, computing labs and other computers on-campus that are accessed by or accessible to students. Personal computer use on-

campus which uses College access to the internet or College phone lines may also be include in this definition as applied to prohibitive conduct. Also included is use of the Mississippi College email system and website.

19. The term “complainant” refers to the individual or individuals who bring forth a complaint against another student. A complainant could be any member of the Mississippi College community, including, but not limited to Residence Life professionals and Office of Public Safety Officials.
20. The term “respondent” refers to the student or students accused of a violation of the *Mississippi College Student Code of Conduct*.
21. The term “information” includes, but is not limited to, any and all pertinent records, exhibits and written statements relating to an incident and/or violations of the *Mississippi College Student Code of Conduct*.
22. The term “proceedings” refers to all activities related to a non-criminal resolution of an institutional conduct complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings.
23. The term “results” refers to any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution.
24. The term “advisor” refers to an individual who provides the accuser or accused support, guidance, or advice. An advisor may not participate directly in a student conduct conference and/or hearing process nor may an advisor address any participant in the student conduct conference and/or hearing process other than the student the advisor represents. An attorney will not be allowed to serve as an advisor.

## **Article II: Student Conduct Authority**

1. Other than standing student conduct bodies, such as, but not limited to the Student Hearing Board, the Chief Conduct Officer shall determine the composition of all conduct bodies and appellate bodies. The Chief Conduct Officer has the delegated responsibility to determine which conduct body, conduct officer and appellate body shall be authorized to hear each case.
2. The Chief Conduct Officer shall develop policies for the administration of the student conduct program and procedural rules for the conduct hearings which are consistent with provisions of the *Mississippi College Student Code of Conduct*.
3. As designated by this code, decisions made by a Student Hearing Board, University Hearing Board, and/or student conduct officer shall be final, pending the normal appeal process.
4. A student conduct body may be designated as arbiter of disputes within the student community in cases which do not involve a violation of the *Mississippi College Student Code of Conduct*. All parties must agree to arbitration, and to be bound by the decision with no right to appeal.
5. While recommended sanctions are prescribed for violations of the *Mississippi College Student Code of Conduct*, serious violations will result in the impositions of more severe sanctions.

## **Article III: Community Standards**

Working together as a community, students, faculty and staff help foster a campus atmosphere that furthers the mission of Mississippi College. Students are expected to enhance and follow the Community Standards outlined below. This standards calls for behavior that demonstrates Mississippi College's five principles for student conduct: Respect for Campus Values; Respect for Community; Respect for Property; Respect for Authority; and Respect for Inquiry and Knowledge.

### **Respect for Campus Values**

Mississippi College is committed to the total development of students. The University sets expectations for personal integrity, aiming to encourage students to appreciate their own talents, take their academic pursuits seriously, enhance their overall quality of life and live life in a manner that reflects Christian principles. When an instance of disrespect for campus values is known, Mississippi College will respond to a student engaging in destructive behaviors, behaviors that may impede an individual's ability to enjoy the privileges of education and to fulfill his or her obligations as an educated member of the campus community.

### **Respect for Community**

Mississippi College encourages students to be open to learning, including how they can contribute to the community around them. Students are expected to live with Christian fidelity and integrity as members of the Mississippi College community. Therefore, Mississippi College expects its students to treat one another with sensitivity, consideration, understanding and an active concern for the welfare of others. The University is particularly concerned that its members show respect for others regardless of race, creed, gender, disability, or nationality, and avoid all types of harassing or offensive behaviors.

### **Respect for Property**

Mississippi College expects the responsible use of all property, including tangible goods such as buildings, library materials, equipment and any other campus property, as well as the property of other students, faculty and staff. This principle requires students to respect both personal and institutional property, both inside and outside the Mississippi College community.

### **Respect for Authority**

Mississippi College anticipates all students will show respect to officers of the University, its faculty, administrators, and staff, each of whom is charged with responsibilities essential to the operation of the University. These individuals serve as leaders and models by example, demonstrating the University's expectations for all members. The successful exercise of authority depends in part on the respect it enjoys from the community it serves. While at Mississippi College, students are expected to demonstrate the personal characteristics of honesty and integrity in all aspects of their life, both on and off the Mississippi College campus. Therefore, the University expects students to follow not only Mississippi College policy, but also local, state and federal laws.



## **Respect for Inquiry and Knowledge**

Mississippi College seeks to pursue knowledge and truth. The University encourages personal growth in academic development, as well as personal and spiritual development outside of the classroom.

Mississippi College affirms the need for academic standards of conduct, providing a community where faculty, staff and students can learn together.

Mississippi College considers the behavior described in the following sub-section as inappropriate behavior for the Mississippi College community and in opposition to the core values of the institution. These expectations and rules apply to all students, whether undergraduate, graduate, doctoral or professional. Mississippi College encourages community members to report to Mississippi College officials all incidents that involve the following actions. Any student found to have committed or to have attempted to commit the following misconduct is subject to the sanctions outlined in Article IV of the *Mississippi College Student Code of Conduct*.

## **Respect for Campus Values**

### **A. Alcohol Violations**

- a. Use, possession, sale, or distribution of alcoholic beverages or alcoholic beverage containers on campus or while engaged in any Mississippi College-related function, including functions sponsored by any Mississippi College organization, as well as irresponsible behavior involving the use of alcoholic beverages whether on or off campus is not allowed. Examples of alcohol violations include, but are not limited to:
  - i. Showing physical or mental impairment following or resulting from alcohol use;
  - ii. Evidence of consumption;
  - iii. Irresponsible behavior involving the use of alcoholic beverages;
  - iv. Possessing empty alcohol containers for decorative purposes;
  - v. Participating in or being present during the occurrence of any drinking game;
  - vi. Using or possessing common sources of alcohol including, but not limited to kegs, party balls, punch bowls, wine boxes, etc.

### **B. Dress Code**

- a. In keeping with the ideals of Mississippi College, each student is expected to dress neatly and appropriately at all times.
- b. Shoes should be worn at all times in academic areas, offices and dining facilities.
- c. Regardless of the intent, display of the following is inappropriate on campus:
  - i. Undergarments
  - ii. Excessively tight and/or form fitting clothing
  - iii. Clothing displaying alcohol, drugs, tobacco products, inappropriate language, or related graphics, descriptions or logos inconsistent with the Christian mission of Mississippi College
  - iv. Clothing that is lewd, derogatory, and/or suggestive

### **C. Smoking & Tobacco Use**

- a. Mississippi College is a tobacco-free campus. The use of all tobacco and smoking products, which includes all electronic cigarettes and vapor products, is not permitted. This includes, but is not limited to:
  - i. In all buildings and facilities;
  - ii. On all outside property or grounds, including sidewalks, walkways, breezeways, parking lots, garages, patios, roofs, recreational areas, and athletic facilities and venues;
  - iii. Within thirty (30) feet of main public entrances (per City of Clinton ordinance); and
  - iv. In all Mississippi College vehicles.

**D. Conduct Unbecoming of a Mississippi College Student**

- a. Conduct on or off campus which reflects poorly on the mission of Mississippi College, or other conduct which is not becoming to the best interests of Mississippi College and/or members of the Mississippi College campus community

**E. Gambling**

- a. Engaging in any game or chance or bets whether on campus or at a Mississippi College-related function which the participants commit money, or anything of value, in order to participate in play.
- b. Lotteries and raffles are included.

**F. Sexual Impropriety**

- a. Public Display of Affection: Engaging in public displays of affection which is not in keeping with good taste and high moral standards
- b. Consensual Sexual Activity: Consensual sexual activity includes, but is not limited to participation in, advocacy for, or appearance of engaging in premarital sex, extramarital sex, or homosexual activities, or other sexual expression that may conflict with the Christian identity or faith mission of Mississippi College.
- c. Possession, distribution, use or manufacture of pornographic materials including pornographic paraphernalia.

**Respect for Community**

**G. Abuse**

- a. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, bullying, cyber-bullying and/or other conduct which threatens or endangers the health or safety of any person.

**H. Hazing**

- a. An act which threatens the mental or physical health or safety of a student, or causes embarrassment or humiliation, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization, a student's willingness to participate in such activity notwithstanding.

- b. Behavior that results in :
  - i. mental / physical discomfort
  - ii. embarrassment
  - iii. harassment
  - iv. ridicule
- c. For a more comprehensive definition of hazing, consult the *Mississippi College Student Organization Handbook*

**I. Visitation**

- a. Any student found to be in any residence hall room or any unauthorized area with a member(s) of the opposite sex, except at times approved by the Residence Life staff, as well as any violation of the Residence Life visitation policy.

**J. Inappropriate Language**

- a. Violations include, but are not limited to: lewd, obscene or vulgar language or expression that is contrary to the Christian values and principles Mississippi College strives to uphold.

**K. Life/Safety Code Violations**

- a. Jeopardizing the public safety of others by tampering with safety equipment or safety features on campus such as, but not limited to alarms, cameras, entry systems, fire extinguishers, and Blue Light emergency units. Specifically included is the propping open of residence hall doors or other secured doors on campus.

**L. Weapons**

- a. The possession, legally or illegally, use, or threatening to use any weapon including, but not limited to, firearms, ammunition, explosives, fireworks, air rifles, pellet guns, paintball guns, dangerous chemicals, or knives with blades longer than five inches.
- b. The use of any weapon, imitation weapon or any other item to cause fear in another person on Mississippi College property is prohibited.
- c. The use of any self-defense device outside of the manufacturer's intended purpose of that item is strictly prohibited.
- d. Any violation of the Mississippi Code involving weapons.

**M. Sexual Misconduct**

- a. See Mississippi College Sexual Misconduct Policy.

**Respect for Property**

**N. Property Violations**

- a. Attempted or actual theft of property of the college or property of other individuals on Mississippi College premises, or other personal or public property.
- b. Possession of stolen property.

- c. Damage or tampering with property of Mississippi College or the property of individuals on Mississippi College premises

**O. Computer Violations**

- a. Computer violations include, but are not limited to:
  - i. Theft or other abuse of computer time, including but not limited to:
  - ii. Unauthorized entry into a file, to use, read, or change the contents, of for any other purpose
  - iii. Unauthorized transfer of a file
  - iv. Unauthorized use of another individuals identification and password
  - v. Use of computing facilities, Mississippi College internet access/network or Mississippi College email network to interfere with the work of another student, faculty member or Mississippi College official
  - vi. Use of computing facilities, Mississippi College internet access/network or Mississippi College email network to use, read, or send obscene material or send abusive messages
  - vii. Use of computing facilities, Mississippi College internet access/network or Mississippi College email network to interfere with normal operation of the Mississippi College computing system
  - viii. Any violation of Mississippi College's *Acceptable Use Policy*

**P. Misuse of College Facilities**

- a. Unauthorized entry to or use of Mississippi College premises
- b. Unauthorized possession, duplication or use of keys, or identification cards, to any Mississippi College premises

**Respect for Authority**

**Q. Failure to Comply**

- a. Failure to comply with the directions of Mississippi College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

**R. Drug Violations**

- a. Use, possession, distribution, sale, manufacture, or evidence of consumption of narcotics, controlled substances or illegal drugs on or off Mississippi College property, or at a Mississippi College-sponsored events or programs in accordance with federal, state, and local laws.
- b. Examples of violations include, but are not limited to:
  - i. Misuse of over-the-counter drugs.
  - ii. Misuse or sharing of prescription drugs.
  - iii. Possessing, using, being under the influence of, distributing, or manufacturing any form of illegal drug.
  - iv. Possessing paraphernalia (i.e. rolling papers, pipes, bong, grinders, etc.) for intended or implied use of any form of illegal drug.

- v. Possessing paraphernalia that contains or appears to contain illegal drug residue.
- vi. Purchasing or passing illegal drugs from one person to another.
- vii. Using mail services to purchase, pass, or distribute illegal drugs.

**S. Disruptive / Disrespectful Behavior**

- a. Disruption or obstruction of teaching, research, administration, student conduct proceedings, or other college activities, including its public-service functions on or off campus, or other authorized non-Mississippi College activities, when the act occurs on Mississippi College premises.
- b. Flagrant disrespect for a member of the Mississippi College community or one of its guests.

**T. Disorderly Conduct**

- a. Participation in a campus demonstration which disrupts the normal operations of Mississippi College and infringes on the rights of other members of the Mississippi College community
- b. Leading or inciting others to disrupt schedule and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus.
- c. Conduct which is disorderly, lewd, or indecent; breach of peace, or aiding, abetting, or procuring another person to breach the peace on Mississippi College premises or at functions sponsored by, or participated in by, Mississippi College.

**U. Violation of Published Mississippi College Policies, Rules and Regulations**

- a. Violation of any Mississippi College policies, rules and regulations including, but not limited to, those of Residence Life, Academic Affairs, Student Life, etc.

**V. Violation of Local, State, or Federal Laws**

- a. Violation of federal, state or local law on or off Mississippi College premises or at Mississippi College-sponsored or supervised activities

**Respect for Inquiry and Knowledge**

**W. Dishonest Actions, including but not limited to the following:**

- a. Cheating, plagiarism, or other forms of academic dishonesty;
- b. Furnishing false information to any Mississippi College official, faculty member or office;
- c. Forgery, alteration, or misuse of any Mississippi College Document, record or instrument of identification;
- d. Tampering with the election of any Mississippi College-recognized student organization

**X. Abuse of the Student Conduct Process**

- a. Failure to obey the summons of a student conduct body or Mississippi College official
- b. Falsification, distortion, or misrepresentation of information before a student conduct body

- c. Making a false complaint(s) against another member or members of the Mississippi College community
- d. Disruption or interference with the orderly conduct of a student conduct proceeding
- e. Initiating a student conduct proceeding knowingly without cause
- f. Attempting to discourage an individual's proper participation in, or use of, the student conduct system
- g. Attempting to influence the impartiality of a member of a student conduct body prior to, and/or during the course of, the student conduct proceeding
- h. Harassment (verbal or physical) and/or intimidation of a member of a student conduct body prior to, during, and/or after a conduct proceeding
- i. Failure to comply with the sanction(s) imposed under the *Mississippi College Student Code of Conduct*

## Article IV: Student Rights

Mississippi College affirms the following students' rights and privileges in student conduct proceedings:

1. To be informed of the *Mississippi College Student Code* and its corresponding procedures;
2. To request a review of a violation of Mississippi College's Community Standards, or any other incident which violates Mississippi College policy and/or the *Mississippi College Student Code*. Any member of the Mississippi College community may file a student conduct charge or complaint against a student when that person believes the student has violated any Mississippi College policy;
3. To receive notice of any alleged violations of Mississippi College policy and/or breaches of the *Mississippi College Student Code*;
4. To have the benefit of opportunity to be heard by an impartial Hearing Board or Hearing Officer in addressing an allegation(s) of a violation of Mississippi College policy;
5. To have one advisor present in a student conduct conference and/or hearing. An advisor may not participate directly in a student conduct conference and/or hearing process nor may an advisor address any participant in the student conduct conference and/or hearing process other than the student the advisor represents. An attorney will not be allowed to serve as an advisor.
6. To view the list of witnesses against him or her at the Administrative Student Conduct Conference or prior to a hearing in front of a hearing board;
7. To examine any information, incident reports, or pertinent records to be used against him or her in a conduct proceeding. Incident reports serve as official documentation to incidents involving students. Incidents that are considered valid for review when the circumstances warrant, include, but are not limited to, the following: alleged misconduct, actions that may be potentially harmful to one's self or others, or actions that may cause potential damage to personal or Mississippi College property. Students have the following rights regarding information on incident reports:
  - a. A student has the right to contest the information pertaining to him or her on the report;
  - b. A student has the right to present or provide information regarding his or her alleged conduct as stated in the report;
  - c. A student has the right to submit information to contest his or her alleged actions or involvement

Mississippi College provides the following rights to the complainant. Complainants must notify the Chief Conduct Officer, or his or her designee, at least two (2) class days prior to the scheduled hearing, if they wish to exercise any of the following rights listed below:

1. To have his or her unrelated past behavior excluded from the hearing. The Chief Conduct Officer, or his or her designee, will decide if such information is unrelated. The past sexual history of the

complainant is not relevant, unless deemed essential by the Chief Conduct Officer, or his or her designee, to protect fundamental due process.

2. To attend an information session, during which time the complainant can view of all of the information related to the case and receive instruction regarding the conduct process and rights of the individuals involved. Mississippi College shall provide notice to the complainant of these rights at least five (5) school days prior to a student conduct hearing.
3. To have one advisor accompany the complainant when presenting information to the Chief Conduct Officer or his or her designee, the hearing board and to any other relevant meetings held throughout the student conduct process. An advisor may not participate directly in a student conduct conference and/or hearing process nor may an advisor address any participant in the student conduct conference and/or hearing process other than the student the advisor represents. Only in cases involving a violation of the *Mississippi College Sexual Misconduct Policy* or where criminal charges or civil action are filed, pending or potential, will an attorney be allowed to serve as an advisor (If charges or actions are not filed, the Chief Conduct Officer will have the final say in determining whether they are pending or potential.)
4. To provide information including presenting witnesses and/or signed written statements, as well as other relevant reports and documentary information.
5. To question the respondent and witnesses during the hearing. Questions to the respondent will first be posed to the hearing board, and depending on the case, the hearing board will pose the questions to the respondent.
6. To submit an impact statement to the Chief Conduct Officer or his or her designee. This information will be used only in the sanctioning phase of deliberations, if the respondent is found responsible for the charge(s). The respondent may request to view the impact statement. The request will be considered by the Chief Conduct Officer or his or her designee, in consultation with the complainant.
7. To request to speak in a separate room from the charged student during the hearing procedure, as long as the process does not unduly compromise the respondent's fundamental due process right to question the witness.
8. To request to be present throughout the entire hearing, or portions thereof. This option will be considered by the Chief Conduct Officer or his or her designee, and the decision shall be final and not subject to appeal.



## **Article V: Student Conduct Procedures**

### **Charges**

1. Any member of the College community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the Chief Conduct Officer, or his or her designee, responsible for the administration of the Mississippi College student conduct system. Any charge should be submitted as soon as possible after the event takes place, preferably within five (5) working days of the incident. The report should include:
  - a. Full name, local address and phone numbers of the complainant(s), respondent(s), witnesses and 700# of all individuals involved whenever possible
  - b. The specific Standard of Conduct, policy and/or rule allegedly violated (this may be determined by the Student Conduct Officer)
  - c. The date, time, location and persons involved in the incident under investigation;
  - d. A narrative of the incident describing what occurred;
  - e. Copies of pertinent witness statements, police and/or housing reports, along with a list of any other physical information (photographs, written documents, items, etc.)
2. The Chief Conduct Officer, or his or her designee, may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Chief Conduct Officer, or his or her designee. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the Chief Conduct Officer, or his or her designee, may later serve in the same matter as the student conduct hearing body or a member thereof.

### **Administrative Student Conduct Conference**

1. Upon receipt of a properly filed complaint, a Student Conduct Officer shall notify the respondent student in written form by campus email, regular mail or hand delivery that student conduct proceedings have been initiated. The letter indicates a scheduled time for an Administrative Student Conduct Conference with a Student Conduct Officer, or directs the student to schedule an Administrative Student Conduct Conference within a specified amount of time. The letter also lists the alleged violation(s) in which the student is being charged. Failure to comply with this directive may result in a full hearing board being scheduled.
2. The purpose of the Administrative Student Conduct Conference is to provide the student the opportunity to review the alleged violation(s) with the Student Conduct Officer, to examine the information and reports, to discuss the *Mississippi College Student Code of Conduct* and the conduct process. Students who do not have a copy of the *Mississippi College Student Code of Conduct* will be given one in this conference or be directed to an online copy.
3. The student and the Student Conduct Officer will determine if the matter can be resolved through mutual agreement, including, but not limited to, the charges/complaints being rendered null and void; an “Administrative Student Conduct Conference Agreement” being signed which indicates the student assumes responsibility for a violation(s) of the *Mississippi College Student Code of Conduct*, and waives any further proceedings and/or appeals.

4. If the complaint cannot be disposed of by mutual consent, the matter will be referred to a hearing involving a Student Hearing Board or a University Hearing Board.

## **Retaliation**

Retaliation against any person making a complaint against any person cooperating in an investigation of alleged acts in violation of the Mississippi College Student Code of Conduct is in violation of University Policy. Retaliation includes intimidation, threats or harassment against any complainant or third party, and interference in any stage of the investigation or review of the alleged act in violation of the Mississippi College Student Code of Conduct. Retaliation will result in swift disciplinary action.

## **Hearings**

In cases which cannot be resolved in an Administrative Student Conduct Conference, and in those incidents which rise to suspension or expulsion from Mississippi College housing or Mississippi College, the matter will be referred to a University Hearing Board. Hearings involving a hearing board are designed for both the complainant and respondent to present their accounts of an incident.

1. The respondent student shall be given written notice of the hearing to inform him or her of the specific charge(s), of his or her rights as a student, and the date, time and location of the hearing.
  - a. Generally, a student will be given a minimum notice of five (5) school days and maximum of fifteen (15) school days before the hearing takes place. However, due to the nature of the academic year, if the incident occurs close to the end of a semester, or if the appropriate hearing board cannot be scheduled, the student's case will be heard as soon as a hearing can be scheduled.
  - b. Time limits for scheduling hearings may be extended at the discretion of the Chief Conduct Officer or his or her designee.
  - c. Notice of a hearing shall be sent/delivered to the student's campus email address and/or local mailing address identified on the student's record, and shall be considered delivered two working days after the letter has been posted or sent. In the event of a hand delivery of a notice, the notice is considered delivered on the date it is given to the student.
2. The purpose of a student conduct hearing is to determine if the respondent student is responsible for violating one or more standards of the *Mississippi College Student Code of Conduct*, and to recommend any appropriate sanctions. A student is presumed to be not responsible until proven responsible in a student conduct hearing.
3. Hearings shall be conducted by a student conduct hearing board according to the following guidelines:
  - a. Hearings shall be conducted in private.
  - b. Admission of any person to the hearing shall be at the discretion of the Chief Conduct Officer or his or her designee.

- c. In hearings involving more than one respondent student, the Chief Conduct Officer or his or her designee, at his or her discretion, may permit the hearings concerning each student to be conducted separately.
- d. The complainant and the respondent student(s) have the right to be assisted by an advisor, according to the guidelines outlined in “Article IV: Student Rights” of the *Mississippi College Student Code of Conduct*.
- e. The complainant and the respondent shall have the right to cross examine the other through supplying cross examination questions to the hearing board chair. Neither will be allowed to directly ask questions to each other.
- f. The complainant and the respondent shall have the privilege of presenting witnesses, subject to the right of cross examination by the hearing board.
- g. Pertinent records, exhibits and written statements may be accepted as information for consideration by a hearing board at the discretion of the Chief Conduct Officer or his or her designee.
- h. All procedural questions are subject to the final decision of the Student Conduct Officer presiding over or conducting the hearing.
- i. After the hearing, the hearing body shall determine (by majority vote) whether the student has violated each section of the Student Code which the student has been charged.
- j. The hearing board’s determination shall be made on the basis of whether it is more likely than not (preponderance of the evidence) that the respondent student violated the Student Code.
- k. There shall be a single verbatim record, such as a tape recording, of all hearings before a student conduct hearing board. The record shall be the property of Mississippi College and shall become a part of disciplinary records.
- l. Except in the case of a student charged with failing to obey the summons of a College official, no student may be found to have violated the Student Code solely based on the failure to appear before a hearing board. In all cases, the information in support of the charges shall be presented and considered.

The hearing board may accommodate concerns for the personal safety, well-being and/or fears of confrontation of the complainant, respondent and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Chief Conduct Officer or his or her designee.

4. A hearing is structured such that the discussion proceeds in an orderly manner. Below is the order the hearing follows:
- a. Introductions
  - b. The reading of the complaint/charges by the hearing chairperson;
  - c. The entering of pleas by each respondent;
  - d. There are three pleas: Responsible, Not Responsible and No Plea, which indicates that the student does not know whether or not he or she is responsible, or means the student is unwilling to say and is allowing the hearing board to decide;
  - e. Statement of complainant and introduction of information and witnesses;

- f. Questioning of the complainant, the complainant's information and the complainant's witnesses;
  - g. Statement of the respondent and introduction of information and witnesses;
  - h. Questioning of the respondent, the respondent's information and the respondent's witnesses;
  - i. Final questions by the hearing board, complainant, and/or respondent;
  - j. Closing statements, first by the complainant and then by the respondent;
    - i. Closing statements shall be specific to the incident involved and may include any reiteration of previously stated facts, written statements of character by a third party, and/or any other comments involving the case. Closing statements are the final opportunity for the respondent and the complainant to provide any additional information which will facilitate the hearing board's decision, including recommendations for sanctions. Closing statements may be limited to a specified time constraint at the hearing board and/or chairperson's discretion. Once the closing statements are concluded, the complainant, respondent and Student Conduct Officer will be dismissed.
  - k. Deliberation of the hearing board;
  - l. Recommendation of the hearing board to the Student Conduct Officer
5. If a student pleads "Responsible" to charges in an Administrative Student Conduct Conference prior to a hearing, a "Sanctions Only" hearing may be held so that a Student Hearing Board or University Hearing Board can recommend sanctions for the violation of Mississippi College Community Standards. The order for a "Sanctions Only" hearing is defined below:
- a. Introductions
  - b. The reading of the complaint/charges by the hearing chairperson;
  - c. The entering of pleas by each respondent;
  - d. Statement of complainant and introduction of information and witnesses;
  - e. Statement of the respondent
  - f. Questioning of the respondent and the respondent's information
  - g. Final questions by the hearing board
  - h. Closing statements by the respondent;
    - i. Closing statements shall be specific to the incident involved and may include any reiteration of previously stated facts, written statements of character by a third party, and/or any other comments involving the case. Closing statements are the final opportunity for the respondent to provide any additional information which will facilitate the hearing board's decision, including recommendations for sanctions. Closing statements may be limited to a specified time constraint at the hearing board and/or chairperson's discretion. Once the closing statements are concluded, the respondent and Student Conduct Officer will be dismissed.
  - i. Deliberation of the hearing board;
  - j. Recommendation of the hearing board to the Student Conduct Officer

## **Sanctions**

The following sanctions may be imposed upon any student found to have violated the Student Code:

**1. Warning**

An official written notice that the student has violated Mississippi College policies and/or rules and that more severe conduct action will result should the student be involved in other violations while the student is enrolled at the Mississippi College.

**2. Restitution**

Compensation for damage caused to Mississippi College or any person's property. This could also include situations such as failure to return a reserved space to proper condition – labor costs and expenses. This is not a fine but, rather, a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.

**3. Fines**

Reasonable fines may be imposed.

**4. Educational Service or College Service Requirements**

Completion of some type of educational service or specific supervised Mississippi College service.

**5. Loss of Privileges**

The student will be denied specified privileges for a designated period of time.

**6. Confiscation of Prohibited Property**

Items whose presence is in violation of Mississippi College policy will be confiscated and will become the property of Mississippi College. Prohibited items may be returned to the owner at the discretion of the Director of Student Development and/or Director of the Office of Public Safety.

**7. Behavioral Requirement**

This includes required activities including, but not limited to, seeking counseling, academic counseling or substance abuse screening, writing a letter of apology, etc. This may also include working with a Student Services Office such as the Office of Student Success, Community Service Center or Office of Christian Development based on the student's individual needs. This also includes paying any fees that may be charged for said required activity.

**8. Educational Program**

Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.

**9. Restriction of Visitation Privilege**

May be imposed on a resident or non-resident student. The parameters of the restriction will be

specified.

**10. Mississippi College Housing Probation**

Official notice that, should further violations of Residence Life Guidelines or other Mississippi College policies occur during a specified probationary period, the student may immediately be removed from Mississippi College residential housing. Regular probationary meetings may also be imposed.

**11. Mississippi College Housing Reassignment**

Reassignment to another Mississippi College residence hall room or residence hall. Residence Life personnel will decide on the reassignment details.

**12. Mississippi College Deferred Housing Suspension**

Removal from Mississippi College housing will be deferred pending any additional violations of the *Mississippi College Student Code of Conduct*. If any further violations occur during a specified period of time, Mississippi College Housing Suspension will be automatic following a finding of “Responsible” for a time period set at the time of sanctioning. This sanction may include restrictions on visitation to specified buildings or all Mississippi College housing during the deferred suspension.

**13. Mississippi College Housing Suspension**

Removal from Mississippi College housing for a specified period of time after which the student is eligible to return. Conditions for re-admission to Mississippi College housing may be specified. Under this sanction, a student is required to vacate Mississippi College housing within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Residence Life. This sanction may be enforced with a trespass action if deemed necessary. Prior to reapplication for Mississippi College housing, the student must gain permission from the Director of Residence Life (or designee). This sanction may include restrictions on visitation to specified buildings or all Mississippi College housing during the suspension.

**14. Mississippi College Housing Expulsion**

The student’s privilege to live in, or visit, any Mississippi College housing structure is revoked indefinitely. This sanction may be enforced with a trespass action if deemed necessary.

**15. Mississippi College Conduct Probation**

The student is put on official notice that, should further violations of Mississippi College policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.

**16. Eligibility Restriction**

The student is deemed “not in good standing” with the Mississippi College for a specified period of time. Specific limitations or exceptions may be granted by the Director of Student

Development and terms of this conduct sanction may include, but are not limited to, the following:

- a. Ineligibility to hold any office in any student organization recognized by Mississippi College or hold an elected or appointed office at Mississippi College; or
- b. Ineligibility to represent *Mississippi College* to anyone outside *Mississippi College* community in any way including: participating in the study abroad program, attending conferences, or representing the *Mississippi College* at an official function, event or intercollegiate competition as a player, manager or student coach, etc.

#### **17. Mississippi College Deferred Suspension**

Separation from Mississippi College for a specified period of time will be deferred pending any additional violations of the *Mississippi College Student Code of Conduct*. If any further violations occur during a specified period of time, Mississippi College Suspension will be automatic following a finding of “Responsible” for a time period set at the time of sanctioning.

#### **18. Mississippi College Suspension**

Separation from Mississippi College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Chief Conduct Officer or his or her designee. During the suspension period, the student is banned from university property, functions, events and activities without prior written approval from the Director of Student Development. This sanction may be enforced with a trespass action as necessary.

#### **19. Mississippi College Expulsion**

Permanent separation from *Mississippi College*. The student is banned from university property and the student’s presence at any *Mississippi College* -sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary.

#### **20. “No Contact” Order**

- a. A No Contact Order may be issued to students in cases of, but not limited to, abuse or harassment, which prohibits any communication via e-mail, text message, by phone, through a third party, electronically in any way, or any type of physical contact. If a “Do Not Contact” order is issued, all parties will be required to sign and agree to the “No Contact” arrangement.

#### **21. Other Sanctions**

Additional or alternate sanctions may be created and designed as deemed appropriate to the violation with the approval of the Chief Conduct Officer or his or her designee.

### **Typical Sanction Ranges**

Sanctioning ranges established by Mississippi College exist for students found responsible for violating certain sections of the *Mississippi College Student Code of Conduct*. However, ranges exist to provide a guide and are not mandatory as each case is determined on a case-by-case basis, taking into account intervening variables, the determination of the Student Conduct Officer or hearing board of the student's realization and understanding of his or her actions, whether the student has been involved in past infractions of the *Mississippi College Student Code of Conduct*, and the individual circumstances of the incident. Thus, ranges may be increased, decreased or changed as needed. The following sanction ranges exist as follows for first-time offenses:

- 1. Alcohol Violation** (*Article III, Respect for Institutional Values: Section A*)
  - a. Referral to an alcohol assessment within Mississippi College's Counseling Center (fee), or an alcohol education program
  - b. Educational service hours;
  - c. Student Conduct probation for up to one year;
  - d. If the student is an on-campus resident, Residence Hall probation up to Residence Hall Expulsion;
  - e. If the student is under the age of 21, parental notification letter sent to parent/guardians;
  - f. Fine
  - g. Loss of parking privileges for any offense related to driving under the influence.
  
- 2. Visitation** (*Article III, Respect for Community: Section I*)
  - a. Fine
  - b. Educational service hours
  - c. Loss of privileges (visitation)
  - d. Student Conduct Probation for up to one year;
  - e. If the student is a resident, Residence Hall Probation up to Residence Hall expulsion.
  
- 3. Incidents Involving Abuse** (*Article III, Respect for Community: Section G*)
  - a. Mandatory counseling within Mississippi College's Counseling Center (fee);
  - b. Community service hours
  - c. Student conduct probation for one year up to expulsion, and;
  - d. If the student is a resident, Residence Hall Probation up to Residence Hall expulsion.
  
- 4. Incidents Involving Illegal Drugs** (*Article III, Respect for Authority: Section R*)
  - a. Referral to a substance abuse assessment and/or mandatory counseling/treatment (fee);
  - b. Educational service hours
  - c. Fine
  - d. Student Conduct Probation for two years up to expulsion from Mississippi College;
  - e. If the student is a resident, Residence Hall Probation up to Residence Hall expulsion;
  - f. If the student is under the age of 21, parental notification sent to parents/guardians;

Other violations of the *Mississippi College Student Code of Conduct* will be assessed on a case-by-case basis.



## **Interim Suspension**

In certain circumstances, the Chief Conduct Officer, or his or her designee, may impose a Mississippi College or Mississippi College housing suspension prior to the hearing before a hearing board.

1. Interim suspension may be imposed only:
  1. To ensure the safety and well-being of members of the College community or preservation of College property
  2. To ensure the student's own physical or emotional safety and well-being;
  3. If the student poses a definite threat of disruption of or interference with normal Mississippi College operations.
2. During the interim suspension, students shall be denied access to the residence halls and/or the campus (including classes) and/or all other Mississippi College activities or privileges for which the student might otherwise be eligible, as the Chief Conduct Officer, or a designee, may determine.

## **Appeals**

1. A decision reached by a hearing board or a sanction imposed by a Student Conduct Officer may be appealed by respondents to the Chief Conduct Officer within five (5) school days of notification of the decision. Such appeals shall be in writing and shall be delivered to the Chief Conduct Officer or his or her designee.
2. The Chief Conduct Officer may act as the Appellate Body or assign the case to an Appellate Body of his or her choosing.
3. An appeal is not a re-hearing of a matter to establish fact and therefore shall be limited to review of the verbatim record of the initial hearing and supporting documents, except as required to explain the basis of new information. The basis for an appeal shall be for one of the following purposes:
  - a. To determine whether the original hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present information that the Student Code was violated, and giving the respondent student reasonable opportunity to prepare and to present a rebuttal of those allegations.
  - b. To determine whether the decision reached regarding the respondent was based on actual information, that is whether facts in the case were sufficient to establish that a violation of the Student Code occurred.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed, as well as, other substantiated considerations which may have also had a bearing on sanctions such as, but not limited to, past Student Code violations.
  - d. To consider new information sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.

4. If an appeal is upheld by the Appellate Body, the body may review the case and recommend action to the Chief Conduct Officer, or recommend to the Chief Conduct Officer that the matter be remanded to the original student conduct body and/or Student Conduct Officer for re-opening of the hearing to allow reconsideration of the original determination and/or sanction(s).
5. Should an Appellate Body choose to review a case, without recommending that it be remanded to its original student conduct body and/or conduct Officer, the resulting action taken by the Appellate Body, if any, must be presented to the Chief conduct Officer in the form of a recommendation. The recommendation of the Appellate body shall be considered by the Chief Conduct Officer in determining and imposing final sanctions. The decision is then final and binding.
6. Appeals by a respondent student may not result in more severe sanction(s). Instead, sanctions shall only be upheld or reduced.
7. Appeals by the complainant may result in sanctions against a respondent being reduced, upheld, or increased.

## **Article VI: Interpretation and Revision**

1. Any question of interpretation regarding the Student Code shall be referred to the Chief Conduct Officer or his or her designee for final determination.
2. The Student Code shall be reviewed periodically under the direction of the Chief Conduct Officer.