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STUDENT AFFAIRS OP 91.100: Code of Student Conduct

Date: November 6, 2006

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. Mississippi State University will not police the personal lives of students on or off campus or invade their privacy by spying or intrusive searches; however, students whose conduct threatens to cause disorder, public disturbances, danger to themselves or others, or property damage will be disciplined. Those apprehended and found responsible of violating the law or rules and regulations of the university may receive a maximum sanction of expulsion from the university.

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

1. Academic Misconduct (Cheating): Any form (see AOP 12.07: Academic Misconduct).
2. Vandalism: Abuse, damage, destruction, or defacement of university, state, federal, public, or private property.
3. Fraud: Obtaining, or attempting to obtain, something of value or preferential treatment through trickery, deceit, or threatening means.
4. Hazing: A person or organization who, in the course of another person's initiation into or affiliation with any organization, intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or to a third person (see OP 91.208: Hazing Policy).
5. Harassment: Uninvited and unwelcome verbal or physical conduct directed at a person because of his or her race, color, religion, sex, national origin, age, disability, sexual orientation, or group affiliation. (See OP 03.03 Harassment)
6. Firearms: Possession of firearms by students on the university campus is prohibited (see [OP 91.120: Possession of Firearms, Explosives, or Other Devices, Substances, or Weapons](#)).
7. Explosive Devices: Possession or discharge of explosive devices of any kind is prohibited 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 (see [OP 91.120: Possession of Firearms, Explosives, or Other Devices, Substances, or Weapons](#)).

8. **Theft:** Unauthorized use, taking, or withholding of anything of value belonging to another individual.
9. **Gambling:** Encouraging, promoting, or participating in gambling on campus is prohibited, except games or raffles approved by the Dean of Students.
10. **Alcohol/Drugs:** Unlawful sale, possession, consumption, use, or distribution of alcohol (including beer and wine) or drugs on the campus is prohibited. (See [OP 91.119: Sanctions for Alcohol Offenses and the Drug-Free Campus Policy](#)).
11. **Trespass:** Unauthorized entry onto, or into, the property of others, including computers, computer accounts, and computer systems.
12. **Disorderly Conduct:** Conduct that includes violent, noisy, or drunken behavior, or the use of abusive or obscene language (specifically including racial or ethnic slurs) on university controlled property or while representing the university or attending a university function.
13. **Assault:** Any intentional behavior that causes or may cause physical harm to another individual. Includes sexual assault, simple assault, aggravated assault, or fighting (see [OP 91.118: Sexual Assault](#)).
14. **Traffic:** Any violation of university rules regarding the operation and parking of motor vehicles. (See [OP 91.305: Management of Traffic and Parking](#); [OP 91.306: Campus Roadways](#); and [OP 91.307: Policies for Traffic Rules and Regulations for the Campus and Streets of Mississippi State University](#).)
15. **Disobedience to Officials:** Failure to comply with directions of university officials acting in the performance of their duties, including failure of the student to respond to requests for conferences on matters pertaining to the student at the university, whether the request is by mail, telephone, messenger, or in person.
16. **Fraudulent Report:** Any false report which causes the commitment or summons of any emergency service.
17. **Fee Payment:** A failure to pay fees, deferred fees, traffic penalties, library penalties, bookstore charges, 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.
18. **Ordinances or Laws:** Any violation of civil or criminal ordinances or laws which brings into question the student's integrity or brings discredit upon the university.

Violation of the student code 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, temporarily suspend the student until the disciplinary process is complete.

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.

2. Disciplinary Responsibility

The Dean of Students, by delegated authority, is assigned the responsibility of receiving and dealing with all disciplinary matters concerning the behavior of individuals, 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 councils and boards. The Dean of Students' Office also has sole discretion in the determination of sanctions for students, groups, or student organizations found responsible for violating the Code of Student Conduct.

3. Disciplinary Procedures

Disciplinary procedures are 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 judicial council or board. Some examples of the boards and councils are:

- a. The Greek Judicial Councils
- b. The Student Judicial Council
- c. The Judicial Appeals Board – appeals from any council or hearing of original jurisdiction. Appeals may also be assigned to an administrative hearing officer.
- d. The Special Administrative Board
- e. Mediation – by students or administrators trained by the Dean of Students' Office

4. Judicial Board Notification Process

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

the hearing:

- a. That he/she may bring any witness to the hearing to testify 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 council or 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 judicial board or witnesses.
- d. That he/she shall be permitted to confront and question witnesses testifying against him/her at the hearing.
- e. That the hearing shall be conducted in accordance with policy set forth in "Disciplinary Hearing Procedures" below.
- f. That a record of the hearing will be made and filed with the office of the Dean of Students.

The letter of notification shall be sent to the student's current local address as recorded in the office of the Registrar and shall be postmarked no less than three (3) days prior to the time designated for the student's appearance before the council or board, unless a shorter period of notification is acceptable to the student.

5. Judicial Board Hearing Procedures

Judicial 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. Rules and procedures for conducting disciplinary hearings are as follows:

- a. Judicial hearings are of a private, confidential nature. They are closed to the public, unless opened by agreement of both the charged party and the hearing Chair.
- b. The hearing is presided over by the Chair of the hearing body or his/her designee.
- c. The format of a hearing of original jurisdiction will follow this sequence:
 - (1) The presiding officer will read the charges.
 - (2) A call is made for the plea of the accused to charges. The accused may plead responsible, not responsible, or no plea.
 - (3) A representative of the university will present the case against the accused which may include testimony of witnesses and supporting information on the charges. The accused may ask questions of the witnesses called by the university representative.
 - (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 council or board may follow both the presentation by the university and the defense of the accused.
- (7) The decision is reached by the council or board as to 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 council or board and non-voting representation from the Dean of Students' Office.
- (8) 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 in his/her behalf regarding the sanction. The Dean of Students' Office may also make a recommendation to the judicial council or board regarding the sanction. The accused will be present during the Dean's recommendation.
- (9) The council or board will go back into closed session to consider the sanctions. These deliberations will be closed to all but members of the council or board and representation from the Dean of Students' Office.
- (10) The council or 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, groups, or student organizations found responsible for violating the Code of Student Conduct.

6. Appeals

The student, group, or registered organization being disciplined may appeal a decision reached by a judicial council, board, or administrative hearing. A request for an appeal must be made in writing to the Dean of Students' Office within a period of five (5) working days from the date of notification. An appeal made to the Dean of Students' Office must be based on one or more of the following reasons:

- a. Due process rights were violated;
- b. The sanction received was arbitrarily harsh or capricious; or
- c. New evidence became available.

The student, group, or organization being disciplined must specify in detail why they believe they are entitled to an appeal. The appeal will be heard by the Judicial Appeals Board or assigned administrative hearing officer. The decision of the Judicial Appeals Board or administrative hearing officer, granting or denying the appeal will be in writing. Following the notification by the student, group, or organization of intent to appeal and pending the appeal hearing, the disciplinary action taken by the university shall 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.

Review

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

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For information about this policy, contact the responsible/reviewing department hyperlinked above.

For comments about the MSU Policy website, contact: webmaster@audit.msstate.edu.