

# STUDENT CONDUCT BOARD INFORMATION

Student's Name: \_\_\_\_\_

Net ID: \_\_\_\_\_ MSU ID: \_\_\_\_\_

Meeting Time: \_\_\_\_\_ Email Notification \_\_\_\_\_

## CONDUCT BOARD NOTIFICATION PROCESS

- \_\_\_\_\_ The student has received a copy of the MSU Code of Conduct (<http://www.msstate.edu/dept/audit/91100.html>).
- \_\_\_\_\_ The student 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 testify.
- \_\_\_\_\_ A letter of notification shall be emailed according to MSU policy (see OP 91.126: Electronic Communications Student Policy) 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.
- \_\_\_\_\_ The student conduct process may proceed with the hearing without the accused's participation. If the board or administrative officer determines, in the accused's absence, that it is more likely than not that the accused violated the charge(s), then the Dean of Students Office may implement the sanctions imposed by the hearing board and conclude the student conduct process.

## STUDENT CONDUCT BOARD RIGHTS

- \_\_\_\_\_ That the student may bring any witness to the hearing to present information on his/her behalf.
- \_\_\_\_\_ That the student 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.
- \_\_\_\_\_ 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.
- \_\_\_\_\_ That the student shall be permitted to question witnesses or information presented at the hearing.
- \_\_\_\_\_ That the hearing shall be conducted in accordance with policy set forth in "Conduct Board Hearing Procedures" below.
- \_\_\_\_\_ That a record of the hearing and all documents related to the hearing will be made and kept with the Dean of Students' Office.

## 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 agreement of both the charged party and the hearing chair.
- 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 against the accused which may include testimony of witnesses and supporting information on the charges. The accused may ask questions of the witnesses or question the 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 non-voting 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 in 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.

## **SANCTIONS**

Student conduct sanctions are educational in nature. If the Student Conduct Board determines that the accused student is responsible the board will present any recommended sanctions to the Dean of Students Office. Sanctions range from a formal warning to expulsion for Mississippi State University. A list of possible sanctions with definitions is included in the code.

## **APPEALS**

The student being disciplined may appeal a decision reached by a conduct board or administrative hearing. A request for an appeal must be made in writing by the student 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 will be reviewed to determine its merit and 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 being disciplined must specify in detail why they believe they are entitled to an appeal. Based on its merit, the appeal will be heard by an empanelled appeals board or assigned administrative hearing officer. The decision of the empanelled 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.