# CODE OF CONDUCT/POLICIES

## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>BASIC EXPECTATIONS/INHERENT AUTHORITY</td>
<td>1</td>
</tr>
<tr>
<td>PROHIBITED CONDUCT</td>
<td>2</td>
</tr>
<tr>
<td>ALCOHOL POLICY</td>
<td>4</td>
</tr>
<tr>
<td>DRUG POLICY</td>
<td>8</td>
</tr>
<tr>
<td>HAZING POLICY</td>
<td>9</td>
</tr>
<tr>
<td>ETHICAL USE COMPUTING POLICY</td>
<td>9</td>
</tr>
<tr>
<td>COLLEGE SEARCH POLICY</td>
<td>12</td>
</tr>
<tr>
<td>SOLICITATION POLICY</td>
<td>12</td>
</tr>
<tr>
<td>SANCTIONS FOR CONDUCT CODE VIOLATIONS</td>
<td>13</td>
</tr>
<tr>
<td>REPORTING CONDUCT CODE VIOLATIONS</td>
<td>14</td>
</tr>
<tr>
<td>PROCEDURES FOR CONDUCT HEARINGS</td>
<td>16</td>
</tr>
<tr>
<td>HEARING DECISIONS AND PROCEDURES FOR APPEAL</td>
<td>17</td>
</tr>
<tr>
<td>CONFIDENTIALITY</td>
<td>19</td>
</tr>
<tr>
<td>STUDENT CONDUCT COUNCIL</td>
<td>19</td>
</tr>
<tr>
<td>THE MILLSAPS COLLEGE CODE OF CONDUCT</td>
<td>20</td>
</tr>
</tbody>
</table>

## BASIC EXPECTATIONS/INHERENT AUTHORITY

Students at Millsaps, because they are members of an academic community dedicated to the achievement of excellence, are expected to meet the highest standards of personal, ethical and moral conduct possible. Students are responsible for the behavior of their guests while on Millsaps property and/or at Millsaps functions.
The Board of Trustees has given authority for all student conduct/disciplinary matters to the President of the College. In turn, and in accordance with the bylaws of the college, the President of the College has defined the interests of the college community to be promoted and protected by such a student conduct system and has delegated to the Vice President for Student Life and Dean of Students the responsibility of assigning and maintaining a conduct code.

The Code of Conduct may be reviewed annually and changes require the approval of the Vice President for Student Life and Dean of Students.

**PROHIBITED CONDUCT**

Each student may be subject to this Code whether misconduct occurs on College premises, at College-sponsored activities, or at any location off-campus when such conduct is brought to the attention of the College. It is neither possible nor necessary to specify every instance of misconduct that could result in disciplinary action against a student. The following list includes, but is not limited to, conduct which may subject a student to disciplinary action.

a. Attempting, assisting, or encouraging any conduct prohibited by this Code.
b. Causing physical and emotional harm to any person or causing reasonable apprehension or such harm, including all forms of hazing. (See Hazing Policy)
c. Disorderly or inappropriate behavior, including destroying or damaging College property or the property of others.
d. Taking any action or creating any situation that endangers another one’s mental or physical health, including but not limited to, the forced consumption of liquor or drugs for the purpose of initiating into or affiliation with any organization or group.
e. Engaging in conduct directed at a specific person or persons that serves no legitimate purpose. Such conduct may include: explicit or implicit threats, including gestures that place a person in reasonable fear of unwelcome physical contact, harm or death; following a person about in a public place or to or from his or her residence; making remarks in a public place to a specific person that are by common usage lewd, obscene, expose a person to public hatred, or that can be reasonably expected to have a tendency to cause acts of violence by the person to whom the remark is addressed; or communicating by voice mail, making a telephone call whether or not a conversation ensues, “Facebook” messaging, texting, blogging, email, graphic means, or other digital means.
f. Engaging in sexual conduct with another person without the consent of that person. (See Title IX policy, Sexual Misconduct Policy)
g. Violations of the College’s Policy Statement on Discriminatory Harassment, which includes sexual harassment. (See Sexual Harassment & Discriminatory Harassment Policies)
h. Initiating or causing any false report, warning, or threat of fire, explosion, or other emergency.

i. Misrepresenting information or furnishing false information to the College or its representatives.

j. Forgery, alteration, misrepresentation, counterfeiting, or misuse of any College or other document, instrument of identification, or access device.

k. Unauthorized distribution of alcoholic beverages or possession of alcoholic beverages for the purposes of distribution. (See Alcohol Policy)

l. Possession or use of alcoholic beverages by an individual under 21 years of age; or providing alcoholic beverages to an individual under 21 years of age or to one who is noticeably intoxicated. (See Alcohol Policy)

m. Operation of a vehicle while under the influence of alcohol, drugs, or other substances.

n. Appearing in a public place manifestly under the influence of alcohol or a controlled or other intoxicating substance, particularly when there is danger to self, others, or property or there is unreasonable annoyance to person(s) in the vicinity.

o. Unauthorized distribution, possession, or use of any controlled substance or distribution, possession, or use of any illegal drug.

p. Unauthorized use, possession, or storage of any weapon.

q. Unauthorized use or possession of fireworks or incendiary, dangerous, or noxious devices or materials.

r. Unauthorized presence on or use of College premises, facilities, or property, including camping, building a fire, or use of an unauthorized heating, cooking, or electrical device.

s. Intentionally or recklessly misusing or damaging fire or other safety equipment.

t. Indecent exposure including exposing one’s own genitals, buttocks, or breasts in a public place unless specifically authorized for activities such as theater productions or classes. Indecent attire includes wearing underwear in public.

u. Theft or misuse of property or services on College premises, at College-sponsored activities, or from College organization(s) or group(s), or possession of stolen property or use of stolen services on College premises, at College-sponsored activities, or from College organization(s) or group(s).

v. Substantially interfering with the freedom of expression of others.

w. Interfering with normal College functions, College-sponsored activities, or any function or activity on College premises including, but not limited to, studying, teaching, public speaking, research, College administration, or fire, police, or emergency services.

x. Disregarding or failure to comply with the directive of a hearing body or College official, including a campus safety officer acting in the performance of his or her duties.

y. Computer Usage Policy: Disruption of College or other computer systems (e.g. spamming); unauthorized alteration, disclosure, gaining or providing unauthorized access; destruction of College or other computer systems or material; improper access to College or other computer files and systems; or violation of copyright or proprietary material restrictions connected with College or other computer systems, programs, or materials. (See Ethical Use of Computing Policy)
z. Violation of any government laws or ordinances, or of any College or individual school rules, regulations, or policies. Such College rules, regulations, or policies shall include, but are not limited to, the regulations and policies contained in the: College Housing Agreement and Handbook, and Major Facts, the student handbook.

aa. Falsification, distortion, or misinterpretation of information before a judicial body or Conduct Officer performing a student conduct hearing.

bb. Disruption or interference with the orderly conduct of disciplinary hearing proceedings.

cc. Knowingly instituting conduct proceedings without cause.

dd. Attempting to discourage an individual’s proper participation in, or use of, the conduct process/judicial system.

ee. Attempting to influence the impartiality of a judicial body member prior to or during the course of the conduct proceeding.

ff. Harassment (verbal or physical) or intimidation of a member of a judicial body prior to, during or after a conduct proceeding.

gg. Knowingly violating the terms of any disciplinary sanction imposed or any mutual agreement reached in accordance with this Code.

hh. Influencing or attempting to influence another person to commit an abuse of the conduct process or judicial system.

ALCOHOL POLICY

SUMMARY OF ALCOHOL POLICY:

Millsaps College students may consume alcoholic beverages only within the privacy of his/her room in the residential facilities and only in accordance with the Mississippi state law which prohibits the drinking of alcoholic beverages for those under 21 years of age. Regardless of age and state law regulations, no student is allowed to consume or possess open containers of alcoholic beverages outside the confines of a student’s room, including hallways, lounges, stairwells, or areas adjacent to or outside of the residence hall. Students will be held responsible for their actions in all mental and physical conditions, including those induced by alcohol.

MISSISSIPPI STATE LAW PROHIBITS:

A. Persons under 21 years of age from purchasing, attempting to purchase, consuming, possessing or transporting alcoholic beverages.

B. Public intoxication as evidenced by boisterous and offensive conduct or endangerment of self, others or property.

C. Driving while under the influence of alcohol or controlled substances.

D. Unlicensed sale or possession for sale, of any alcoholic beverages.
MILLSAPS COLLEGE ALCOHOL POLICY

A. Consumption and distribution of alcohol must be within state laws, local laws, and College policy. Consumption of alcohol by and distribution of alcohol to those who are not of legal age (21) is prohibited.

B. All residents under the age of 21 are prohibited from having any alcoholic beverages or empty alcohol containers in residence halls. Residents over the age of 21 may possess a reasonable amount of alcohol in their residence hall room.

C. Consumption and possession of alcoholic beverages must be discrete and inconspicuous and in conformity with state and local laws. Alcohol may only be consumed within the confines of a student’s residence hall room. Alcoholic beverages shall not be possessed or consumed in any classroom, laboratory, or office.

D. Games, contests, and other activities or paraphernalia designed to encourage rapid and excessive consumption of alcoholic beverages are not permitted on campus.

E. Using or attempting to use a fraudulent or altered Driver’s License or other false form of identification to possess, purchase, or consume alcohol or providing a student I.D. or Driver’s License to another person for purposes of possessing, purchasing, or consuming alcohol is prohibited.

F. Public intoxication and/or disruptive behavior related to the consumption of alcoholic beverages will be considered a violation of this policy.

G. Any alcohol or illegal drug violation committed by a student under the age of 21 may be reported to the parents/guardian of that student.

VIOLATIONS OF THE ALCOHOL POLICY

Compliance with the Alcohol Policy is considered to be part of the student’s obligation as a student at Millsaps College. Failure to comply with this policy will be considered a violation and may result in the filing of charges as enforced by the Code of Conduct and one or more of the following:

— A fine assigned and filed in the Office of Student Life.
— Work hours assigned through the College
— Relocation of or removal from on-campus housing, or similar housing injunctions
— Completion of an online alcohol education program
— Any combination of the sanctions as outlined on page 48 of Major Facts, or any sanction the hearing body deems appropriate.

Driving under the influence of alcohol on campus may result in, but is not limited to, the following sanctions:

— The student’s car keys will be confiscated immediately.
— The student must participate in an alcohol program as specified by the Office of Student Life.
— All DUI incidents will result in the loss of the violator’s driving privileges for no less than one month.
— The minimum fine for DUI will be $100.00, in addition to the $100 traffic violation fine.

Note: The Vice President for Student Life and Dean of Students or designee will have the right to increase any or all alcohol-related sanctions depending on circumstances and severity of the incident, attitude of the student and the student’s previous conduct record.

**STUDENT EVENTS WITH ALCOHOL**

Only College recognized groups and organizations may sponsor events involving alcohol. Recognized student organizations may sponsor a maximum of eight (8) events with alcohol on campus each semester.

College departments and off campus groups must be approved by the appropriate administrative office and must follow all campus policies and procedures. Sponsoring organizations have the responsibility to inform their members and guests of state law, local ordinances and all College regulations.

All campus events are private events and attendance shall be limited to members of the Millsaps community and invited guests, unless made more restrictive by the sponsor of the event.

Registration forms for student events must be submitted to the Office of Student Life at least two weeks in advance. Guest lists must also be attached to all event registration forms.

There may be no mention or reference to alcohol in the advertisement of any event.

All on-campus events scheduled on a Thursday night shall end at midnight. Events beginning on Friday or Saturday nights shall end at 2 a.m. After this time no person shall have alcohol outside those areas designated under the Millsaps College Alcohol Policy.

For any campus events, reasonable limits will be set concerning the amount of alcohol an individual will be permitted to bring into the facility.
All student sponsored events involving alcohol are required to have at least two sober monitors unless exemptions have been granted. Security officers and additional Monitors may be required as determined by the characteristics of the particular facility being used, the event and/or number of events being sponsored. (Sponsoring organizations will be responsible for the cost of additional security officers when necessary.) At least one Monitor must be of legal drinking age (21). Monitors shall be responsible for: management of the event and compliance with College policies; implementing reasonable precautionary measures to insure that alcoholic beverages are not accessible to persons who appear intoxicated; and such guests are given options for safe transportation or escorts home.

If an event is sponsored by two or more student organizations, each organization shall be responsible for having a Monitor (in addition to any other Monitors required).

The monitors, any Campus Safety Officer, or other security officers shall have the right to deny access to an event to anyone they determine is impaired by alcohol or other drugs. Monitors shall not consume alcohol.

All student sponsored events where alcoholic beverages are permitted, will be “bring your own beverage” (BYOB) or will utilize third party vendors. Oversized containers of alcohol are prohibited. Examples include, but are not limited to: kegs, beer balls, and common source containers such as coolers.

Any alcoholic beverages which are being consumed in public areas must be in containers which are discrete and inconspicuous and which are not identifiable as holding alcoholic beverages. NOTE: This is allowed only within the location and time of a College or student-sponsored event that has been approved by the appropriate offices.

Games, contests, and other activities or paraphernalia designed to encourage rapid and excessive consumption of alcoholic beverages are not permitted.

The College acknowledges and supports organizational policies which restrict social functions (i.e., not allowing open parties). Any concerns regarding these restrictions may be addressed to the Vice President and Dean of Students, or the Director of Campus Life.

Fraternities and sororities are expected to follow their international organization’s policies and procedures. The College reserves the right to contact any international organization regarding policy violations.

RESOURCES
Alcoholics Anonymous                  601-982-0081
Alcohol Services Center              601-948-6220
Alternatives for Life Treatment & Recovery  601-362-3131
Baptist Behavioral Health Services   601-968-1102/800-962-6868
Brentwood Behavioral Healthcare      601-936-2024/800-863-4004
CARES Center, Inc./The Ark           601-355-0077
DREAM (Developing resources for Education in America, Inc.) 601-933-9199/800-233-7326
Harbor Houses of Jackson, Inc.       601-371-7335
MAAP (Mississippi Association of Addiction Professionals) 601-933-4994/888-856-8773
Mississippi Department of Mental Health 24 hour HELP LINE 601-359-6298/877-210-8513
National Council on Alcoholism and Drug Dependence 601-899-5880
Region 9 CMHC (Hinds Behavioral Health Services) 601-321-2400
St. Dominic Behavioral Health Services  601-200-3090

**DRUG POLICY**

The College cannot condone violations of federal and state laws regarding any illegal drugs, narcotics and dangerous drugs.

The use, possession or distribution of illegal drugs, narcotics or dangerous drugs is not permitted.

Students, faculty, or staff at Millsaps College are subject to disciplinary action for the possession, manufacture, use, sale, or distribution (by either sale or gift) of any quantity of any prescription drug or controlled substance or for being under the influence of any prescription drugs or controlled substance, except for the appropriate use of an over the counter medication or for the prescribed use of medication in accordance with instructions of a licensed physician. Controlled substances include, but are not limited to, marijuana, cocaine, cocaine derivatives, heroin, amphetamines, barbiturates, LSD, PCP, and substances typically known as “designer drugs” such as “ecstasy” or “eve”. Possession of paraphernalia associated with the use, possession or manufacture of a prescription drug or controlled substance is also prohibited. Students, faculty or staff also are subject to disciplinary action for the misuse or abuse of mind-altering substances (e.g., Amyl Nitrate, Ephedrine, etc.)

When there are reasonable grounds for suspecting that the student has violated or is violating either the law or the rules of the College, the student shall be held accountable for such conduct and will be advised of his/her rights within the college judicial system.

In the case of suppliers of drugs, civil authorities shall be notified.
HAZING POLICY

Millsaps College strictly forbids any type of physical, psychological, written or verbal abuse of members of the student body, any campus organization, athletic team, fraternity or sorority at any time. Undue pressure to perform any activities that are contrary to the College’s educational pursuits or are illegal, unethical, or result in any type of personal humiliation, are considered hazing and are, therefore, prohibited. Consent to hazing is never a defense to a violation of this policy.

Hazing is any reckless or intentional act, occurring on or off campus, that produces physical, mental, or emotional pain, discomfort, humiliation, embarrassment, or ridicule directed toward other students or groups, that is required or expected of prospective members or members and which is not related to the mission of the team, group, or organization. This includes any activity, whether it is presented as optional or required, that places a prospective member or existing member in a position of servitude as a condition of membership. Prohibited acts of hazing include those covered under Mississippi law.

The following list of hazing behaviors includes, but is not fully inclusive of all behaviors that can be defined as hazing:

a. any physical act of violence expected of, or inflicted upon, another student
b. any physical activity expected of, or inflicted upon, another student, including calisthenics
c. pressure or coercion of another student to consume any legal or illegal substance
d. making available unlawful substances
e. excessive fatigue or sleep deprivation as a result of any activities
f. forced exposure to the weather
g. kidnapping, forced road trips, and abandonment.

Any violation of this policy will result in disciplinary action.

ETHICAL USE COMPUTING POLICY

The computing facilities at Millsaps College include computers, computer accounts, printers, networks, software, electronic mail, web home pages, telephones, and long distance telephone service. These facilities are provided to students, faculty, and staff for educational, research, and administrative activities. All students, faculty, and staff must utilize these systems in an efficient, ethical, and legal manner. Use of these facilities must be consistent with College standards as stated in Major Facts and the honor code. Access to the computing facilities is a
privilege, not a right. Failure to adhere to these guidelines may result in action by the College as
described below. By logging onto the system, the user agrees that he/she has read this
document and will abide by these guidelines.

Users may only use those computer accounts or facilities they have been authorized to use by
Information Technology Services. A user may NOT use a computer account assigned to another
person. Access granted to computer resources through the negligence or naivety of another
user is not considered authorized use.

Computing facilities are to be used for instruction, academics, research, and administrative
functions. The computing facilities may not be used for commercial purposes or monetary gain.
This includes any personal equipment connected to the Millsaps network.

Individuals are responsible for all use of their computer accounts and equipment. This includes
the content of E-mail messages, web pages, and computer files.

Fraudulent, illegal, harassing, embarrassing, obscene, indecent, profane, inappropriate or
intimidating materials cannot be sent, printed, requested, displayed or stored.

Users are prohibited from reading, modifying, deleting or copying another user’s e-mail. Users
are also prohibited from sending unsolicited junk mail, chain letters, and for-profit messages.

Users may not search for, access or copy directories, programs, files or data not belonging to
them, without express authorization to do so.

No one should attempt to modify system facilities, “crash” any computing system, degrade
system performance, or subvert the restrictions associated with computer accounts. The willful
introduction of computer “viruses” or other disruptive/destructive programs into the Millsaps
Computing environment or external networks is prohibited.

As users have access to other computers and networks, the following is also applicable: use of
computing systems in attempting to gain unauthorized access to remote systems, decryption of
system/user password(s) or modify authorized privilege levels is not permitted.

One should not encroach on use of the computer by others. This includes activities that tie up
computer resources for excessive game playing or other trivial applications.

The World Wide Web (WWW) provides the College with a worldwide audience, including
prospective students, faculty, staff, alumni, and more. It is a medium for the College to promote
itself and its educational mission. The College’s presence on the WWW, as with all other
communications, must portray a positive image. Specific standards and guidelines have been developed for “official” pages.

Individual home pages (also referred to as personal home pages) are solely the responsibility of the person creating it (or of whom the account belongs). They may not contain the College logo or any official wordmarks. These pages may not contain any illegal, obscene, indecent, profane, intimidating, inappropriate or other material that may embarrass or damage the goodwill or reputation of the College. Individuals are prohibited from creating plans, web pages or other public access documents that draw undue traffic to the college through its network connections.

Millsaps College is bound by Title 17 of the United States Code on Copyrights and supports the provisions contained therein. Individuals are likewise bound by copyright laws. The College endorses and supports the EDUCOM Code on Software and Intellectual Rights. Various software packages have been licensed to Millsaps College for use. However, neither the College nor its employees own this software or documentation; unless specifically authorized by the software company, this material cannot be copied.

Millsaps College does not condone the illegal or unauthorized duplication or use of software. Every person who uses College computing equipment or any computer while on College property or conducting College business is individually responsible for complying with all copyright laws and software licensing agreements.

Millsaps College recognizes and endorses the privacy of individuals in using the computing facilities and will use good faith in preventing privacy abuses. Users are advised, however, that Millsaps College is a private institution that must protect the integrity and safety of the College and its computing facilities, employees and students. On occasion, authorized individuals of the College may be required to examine files maintained on the College’s computer facilities. For example, Department of Computing and Telecommunications personnel must have access to all files to provide maintenance, data storage, security of information systems and software auditing. Additionally, the College reserves the right to authorize special examination of computer files if the College determines the action appropriate.

Abuse of computing privileges and any violations of the guidelines and policies established by the College will be considered as serious matters. Infractions may result in:

- loss of use privileges
- referral to the Honors Council
• referral to the Judicial Council
• disciplinary sanctions
• dismissal from the College
• termination of employment
• legal action
• criminal proceedings

During any investigation, the College reserves the right to suspend computing privileges pending a final determination by the College.

**COLLEGE SEARCH POLICY**

The Board of Trustees and the Administration affirm the right of the individual to the privacy of his/her room. Authorized college personnel may enter student rooms for normal inspection and maintenance purposes. Contraband will be removed from the room until disciplinary proceedings clarify proper ownership.

The student’s personal property is not subject to search without express approval of the student, except when a reasonable belief or probable cause exists that the room is being used for a purpose which is illegal or which would otherwise seriously interfere with campus discipline or safety.

The search of a student’s personal property can be authorized by the Vice President of Student Life and Dean of Students, or the Director of Campus Safety. A search will be conducted by at least two members of the Campus Safety Department or one officer and a Student Life professional. The occupant(s) of the room will be asked to produce identification at the time of the search and be requested to remain in the room. The presence of the student(s) assigned to the room is preferred but not mandatory at the time of the search. The reason(s) for and the procedures of the search will be explained to the occupant(s) of the room prior to the search if occupants are available. All areas of the room are subject to search. Automobile searches are also in the realm of the policy.

**SOLICITATION POLICY**

No commercial solicitation is allowed in residence halls. Commercial solicitation in other buildings on campus must be approved by a member of the Student Life staff. On campus groups (sororities, fraternities, and student organizations) may distribute appropriate campus-related materials, but such materials must first be approved by the Assistant Dean of Students for Residence Life or a member of the Student Life staff.
Ordered food (pizza, etc.) and other delivery persons may enter the residence hall lobbies ONLY when met by the student customer. The person(s) ordering the food must take delivery in the lobby. Deliveries to individual rooms are NOT ALLOWED.

SANCTIONS FOR CONDUCT CODE VIOLATIONS

The following sanctions, singularly or in combination, may be imposed upon any student or organization found to have violated the Code of Conduct:

**Warning:** A notice in writing to the student that the student has violated institutional regulations and must cease and not repeat the inappropriate action.

**Probation:** A written reprimand for violation of specified regulations. Probation may be either college probation and/or residence hall probation. For student organizations, probation may include social probation. Probations are for a designated period of time and include the probability of more severe disciplinary sanctions if the student is found to be in violation of any institutional regulations during the probationary period. College probation signifies that if there are additional violations, a student may place his/her status at the college in jeopardy. Residence hall probation signifies that if there are additional violations, a student may place his/her housing status in jeopardy.

**Loss of Privileges:** Denial of specified privileges for a designated period of time. This sanction may include, for example, denial of the right to represent the College in any way, denial of the use of campus facilities, or denial of parking privileges.

**Restitution:** Compensation for loss, damage, or injury. This may take the form of service, monetary compensation, or material replacement.

**Educational Sanctions:** Projects, classes, or assignments designed to educate a student in connection with the effects of his/her behavior.

**Residence Hall Suspension:** Separation of the student or organization from the residence halls for a definite period of time, after which the student or organization may be eligible to return. Conditions for readmission may be specified. (Note: This is in addition to the residence hall suspension referred to in the Housing Agreement. This Agreement provides that temporary, permanent, or immediate suspension may be imposed upon a student by the Director of Residence Life at any time when there is reason to believe, based on available facts, that the student represents a threat to the safety, health, or welfare of herself/himself, other persons or property.)

**Suspension:** Separation of the student or organization from the College for a definite period of time, after which the student may be eligible to return. Conditions for readmission may be specified.

**Expulsion:** Permanent separation of the student or organization from the College.

**Other:** Other sanctions as deemed appropriate by a hearing body or a Conduct Officer.
Sanctions are based upon the circumstances of the incident, seriousness of the matter, and conduct history of the student or organization. Conduct sanctions for Residence Hall Suspension, Suspension, and Expulsion shall be entered permanently on a student’s record. Sanctions for College Probation shall be entered on a student’s record for the term of the probation.

**REPORTING CONDUCT CODE VIOLATIONS**

The Vice President for Student Life and Dean of Students is delegated responsibility pertaining to all students, student organizations, student government, and fraternities and sororities. In addition, the Vice President for Student Life and Dean of Students has the responsibility and authority to discipline such organizations and, for various alleged violations including hazing, may choose to handle such matters in a direct and expedient manner, including taking interim action, until the completion of the conduct process.

Anyone wishing to report an alleged incident of misconduct under this Code may make such report to the Office of Student Life or the Office of Campus Safety. Any incident should be submitted in writing as soon as possible after the incident occurred. Reports generated by Housing and Residence Life, Student Life staff, as well as by Millsaps Campus Safety Officers will be forwarded to the Student Life Office. A determination of whether action should be taken in response to a report will be made by the administrators of Student Life. If it is determined that further action should be taken, the case will be assigned to a Conduct Officer by the Office of Student Life. Matters involving Greek organizations may also be referred to the Greek Conduct Board or Panhellenic Judicial Council. In cases pertaining to student organizations, the organization’s president shall represent the organization during all conduct proceedings.

The Office of Student Life will notify the accused student in writing that he or she must make an appointment for a preliminary meeting within five (5) days of the date on the written notice. Failure to schedule or attend this preliminary meeting will automatically result in formal charges of possible violations as described below.

The Conduct Officer will hold a preliminary meeting with the accused student to review the report as well as ascertain the accused student’s perspective of the incident. The Conduct Officer will refer the student to the Code of Conduct. The Code may be found on the web at http://millsaps.edu or a copy may be provided upon request. In this meeting, the accused student will be asked to decide whether or not he or she wishes to accept responsibility for having violated the Code of Conduct.

If a student accepts responsibility for having violated the Code of Conduct and thereby waives
the option of a hearing, the student shall have the following options as to how sanctions will be determined:

1. The student may have the Conduct Officer recommend appropriate sanction(s).
2. The student may choose to meet with another Conduct Officer to have that Conduct Officer recommend appropriate sanction(s).
3. In cases of sexual misconduct or sexual assault, the student may have the College Sexual Misconduct Hearing Board recommend appropriate sanction(s).

This selection shall be made in writing and recorded by the Conduct Officer.

If a student does not accept responsibility for having violated the Code of Conduct, the Conduct Officer will conduct an investigation to determine if the matter should proceed to formal charges of possible violations, or if it can be disposed of administratively by mutual agreement of the parties involved on a basis acceptable to the Office of Student Life.

If the matter is not resolved following the investigation or is not resolved administratively by mutual agreement of all involved parties, the student will receive a letter stating the formal charges of possible violations and a hearing will be initiated. The student shall have the following options for a hearing:

1. The student may choose a hearing with another Conduct Officer serving as the hearing officer and to determine the appropriate sanction(s), if any.
2. The student may choose a hearing with the College Student Conduct Council serving as the hearing panel and to determine the appropriate sanction(s), if any.

This selection shall be made in writing and recorded by the Conduct Officer.

A copy of documents relevant to the case will be given to the accused student and the complainant at least three (3) calendar days in advance of the hearing. These formal allegations of possible violations will be referred to a hearing and a copy of documents relevant to the case will be forwarded to the appropriate judicial body.

In cases involving sexual misconduct or sexual assault, if the matter is not resolved following the investigation or is not resolved administratively by mutual agreement of all parties, the case will be heard by the College Sexual Misconduct Board. The student does not have the option to choose a hearing with another Conduct Officer nor to choose a hearing with the College Student Conduct Council in unresolved cases of sexual misconduct or sexual assault.

If an accused student or organization fails to respond to any notification in writing concerning the conduct process, the case will be automatically referred to a hearing with the College Student Conduct Council, except in cases of sexual misconduct or sexual assault in which the case will be automatically referred to a hearing with the College Sexual Misconduct Hearing Board.

The College reserves the right to place a “hold” on the diploma, degree certification, official
transcripts, or registration of the accused student even though he or she may have completed all academic requirements. The diploma, degree certification, official transcripts, or registration may be withheld until the conduct charges have been resolved and/or sanctions as well as other conduct obligations completed.

**PROCEDURES FOR CONDUCT HEARINGS**

The Vice President for Student Life and Dean of Student’s designee, the Assistant Dean of Students for Residence Life or his/her designee, or the College Student Conduct Council, may require any student of the College to attend and/or testify at any hearing or meeting regarding a conduct matter that is covered under this Code. The Vice President for Student Life and Dean of Student’s designee, Conduct Officer, or College Student Conduct Council may request faculty or staff members to attend and/or testify at a hearing or meeting or furnish a written statement.

Notification in writing of a hearing before a Conduct Officer, or the College Conduct Council as well as the date and time of this hearing will be sent to the student or organization president at least seven (7) calendar days before the scheduled date of the hearing. At this hearing, a decision of “responsible” or “not responsible” will be made, based upon the available information and evidence presented at the hearing, with or without the accused being present. If it is determined that a violation has occurred, a sanction will also be determined and the student/organization president will be notified in writing.

The hearing shall be conducted by the appropriate disciplinary body (Conduct Officer, or College Student Conduct Council) and all may require any student to testify at the hearing. Rules of evidence that apply in courts of law shall not apply in such hearings. The hearing shall be closed to everyone except the disciplinary body, appropriate staff, the accused student or organization president, complainant, advisors to the accused student or organization president and the complainant, as well as witnesses during the actual time of their testimony.

The accused student or organization president and the complainant may be assisted by an advisor of his/her choice. The advisor must be a member of the Millsaps College faculty or staff, or a student currently enrolled full time. The advisor may not be an attorney. In fraternity and sorority cases, the fraternity advisor or sorority adviser may serve as a hearing advisor, but may not be an attorney.

The advisor acts as either the complainant’s or accused student’s support person during the hearing. The advisor may assist the student in the preparation prior to the hearing, but may not speak during the hearing.
Conduct and Policies

Advisors are allowed to:

a. Be present at the hearing until such time as the disciplinary body retires to deliberate the decision. However, if the accused student, complainant, or their advisors fail to appear at the hearing, the hearing may be held in the absence of either or both.

Both the complainant and the accused student or organization president are allowed to:

a. Be present at the hearing until such time as the Student Conduct Council retires to deliberate the decision. However, if either the accused student or organization president, complainant, or their advisors fail to appear at the hearing, the hearing may be held in the absence of either, all, or both.

b. Present tangible and documentary evidence; and evidence by witness, or by signed written statements of witnesses who do not attend the hearing, including the signed written statements of the complainant or the accused. If witnesses fail to appear, the hearing shall be held in their absence. It is the responsibility of the accused student and the complainant to notify any additional witnesses not called by the hearing body. Additional witnesses must have the prior approval of the Vice President for Student Life and Dean of Student’s designee, the Assistant Dean of Students for Residence Life’s designee, or Chair of the Student Conduct Council. All witnesses should be notified of the date, time, and place of the hearing by the accused student or by the complainant.

c. Question all witnesses who give evidence at the hearing directly or through written questions presented through the Chair.

The Chair of the Student Conduct Council or Conduct Officer shall have final decision on what evidence may be presented and the tone of questioning. The Chair or Conduct Officer may decide to stop questions at any time.

HEARING DECISIONS AND PROCEDURES FOR APPEAL

All decisions are based upon the preponderance of evidence, or “more likely than not,” including cases involving sexual misconduct or sexual assault. The Conduct Officer or the College Conduct Council deliberates and decides whether the accused student or organization has violated the Code. The hearing body may decide that the student or organization is in violation of a less serious conduct charge. A determination that a student or organization has violated the Code of Conduct requires a simple majority vote. In the case of a tie, the Chair shall cast the deciding vote.

If the finding of “responsible” (i.e., “in violation”) is determined, the Student Conduct body shall be provided with the record of any previous disciplinary proceedings in which the student or organization was found in violation. On the basis of the hearing and the student’s or organization’s previous record, a decision will be made regarding sanctions by a simple majority
vote. In the case of a tie, the Chair shall cast the deciding vote.

Sanctions are based upon the attitudes of the involved student(s), seriousness of the matter, and conduct history of the student or organization.

Whether the Conduct Officer or the College Student Conduct Council acts as the judicial body, a written decision will be issued in a reasonable time after the date of the hearing. This decision includes: 1) a statement of charges of possible violations; 2) a summary of the facts in the case; 3) the decision; 4) a brief statement of the hearing body’s reasoning; and, if a violation is found, 5) sanction(s).

All decisions of the College Student Conduct Council or Conduct Officer shall be reviewed for completeness by the Vice President for Student Life and Dean of Student’s designee. If the designee was the investigating Conduct officer for a case, the Council’s decision will be reviewed for completeness by the Vice President for Student Life and Dean of Students. The academic dean of the College in which the student is enrolled will be advised of any decision resulting in a sanction of suspension or expulsion.

The accused shall receive written notice of the outcome of the hearing as described above. To the extent permitted by law, the complainant shall also receive written notice of the outcome of the hearing. Any sanction appeals must be registered in writing no more than 72 hours (3 business days) after the date of written notice. Appeals should be addressed to the Vice President and Dean of Students. The President holds the final decision on appeal of any case. The responsibility for the appeals has been delegated to the Vice President and Dean of Students.

If found responsible of a violation, a student may file a written appeal of the decision or sanctions within five (5) business days following the date on the outcome letter. Disagreement with the finding or with the sanctions is not, by itself, grounds for appeals. The three grounds upon which an appeal of the decision or sanctions may be made are:

- The party believes a procedural error occurred, which the party feels may change or affect the outcome of the decision;
- The party has substantive new evidence that was not available to the investigator or the parties at the time of the hearing and that may change the outcome of the decision;
- The party feels that the severity of the sanction is inappropriate given the details of the case.

The request for an appeal, including the grounds upon which the request is based, should be submitted in writing to the Assistant Dean of Students for Residence Life or her/his designee. The decision will be issued within a reasonable period of time, generally no longer than thirty (30) days after receipt of the appeal.
In cases involving sexual misconduct or sexual assault, the decision of the Conduct Officer or of the Sexual Misconduct Hearing Board will be received by both the complainant (eg, “accusing student”) and by the respondent (eg, “accused student”).

The request for an appeal, including the grounds upon which the request is based, should be submitted in writing to the appropriate Appeals Officer (as identified in the outcome letter) within five (5) business days following the date on the outcome letter.

The decision will be issued within a reasonable period of time, generally no longer than ninety (90) days after receipt of the appeal.

**CONFIDENTIALITY**

Students’ conduct records are confidential and will not be released outside the College without the student’s specific written permission, except as provided by applicable law.

Formal notification of conduct action resulting in College Probation, Residence Hall Suspension or removal, suspension and expulsion shall be forwarded to the Dean of the College by the Office of Student Life.

**Retention of Conduct Records**

The Office of Student Life shall maintain files on all undergraduate student conduct reports, records, and hearing proceedings for a minimum of seven (7) years.

**STUDENT CONDUCT COUNCIL**

The Millsaps students, faculty and administrative officers have created a Student Conduct Council to assure just, timely, and constructive resolution of controversies arising from infractions of Millsaps College social and disciplinary policies. Details describing the Student Conduct Council are found in Student Body Association Constitution Article IV.

Wherever possible violations of student behavior will be handled informally with emphasis placed on the personal growth and development of the student.

The Student Conduct Process and Student Conduct Council presume every student charged with a violation to be not responsible until proven responsible.

The Chairperson shall make all rulings on matters relating to the conduct of the hearing, including matters regarding evidence, witnesses, and decorum. Changes may be made by the
chairman to accommodate unusual circumstances. The chairperson, in consultation with the Vice President for Student Life and Dean of Student’s designee, shall rule on any request for consolidated or separate hearings for those incidents involving multiple students.

The Student Conduct Council is composed of eleven voting members and is appointed as follows: two faculty members appointed by the Vice President and Dean of the College with the approval of the President; nine student members appointed by a committee chaired by the Student Body Association Second Vice President, composed of three current Student Conduct Council members and two current Student Body Association Officers. The student appointees to the Student Conduct Council must be confirmed by vote of the Student Body Association Senate.

The Vice President for Student Life’s designee, the Assistant Dean of Students for Residence Life, or the Assistant Dean’s designee, serves as the non-voting advisor of the Council.

THE MILLSAPS COLLEGE CODE OF CONDUCT

THE MAJOR CALL
The Pledge of Student Support for the Millsaps College Conduct Code

As a community of scholars dedicated to the call of service and learning, I seek to promote intellectual growth, social unity, spiritual development, and a greater Millsaps College for years to come.

I understand that in belonging to such a community dedicated to scholarship and excellence I must call myself to the highest of standards. I call myself to personal integrity—displaying absolute honesty and extraordinary character.

I call myself to a mature social development—respecting other’s race, religion, creed, class, sexual orientation, gender identity, gender expression, or disability.

I call myself to a respectful life—respecting one another’s privacy, property, and personal development.

I call myself to a mature academic development fulfilling the college’s mission of Ad Excellentiam.

I call myself to be concerned and compassionate for those inside and outside our community.

To myself, to each other, and to this sacred community, I commit myself