

THE UNIVERSITY OF MISSISSIPPI



BOOK

Updated: August 2021

# PREFACE

## The University of Mississippi *M Book*

The University of Mississippi is dedicated to supporting and sustaining a safe and scholarly community of learning dedicated to nurturing excellence inside and outside of the classroom.

From the time of application for admission through the actual awarding of a degree, students accept the rights and responsibilities of membership in the University's community. Students are expected to uphold community values by exercising a high standard of conduct at all times. Each student has a duty to become familiar with University values and standards reflected in University policies, and each student has a duty to honor University values and standards reflected in University policies.

The M Book contains many of the University's values and standards. The Division of Student Affairs publishes the M Book to assist students with understanding their rights and responsibilities; however, please note that this document is an abbreviated guide of University policies and not a complete digest of all policies. In addition, some policies may change or be updated following the annual release date of the M Book. For a complete listing of policies as well as the most updated version of each policy, please visit the University Policy Directory. Many individual schools within the University also have professional standards and expectations of their students; students are advised to consult with their respective college or school regarding specific policies unique to students within a particular program.

### University Policy Directory

<https://policies.olemiss.edu/>

[The University of Mississippi Policy Directory](#) is a collection of policies governing the University. The policies listed in the University of Mississippi Policy Directory are official and subject to change at any time. Each policy is distinguished by a code made up of two sets of letters and two sets of numbers. The first three letters distinguish the University division; for example, DSA stands for Division of Student Affairs and ADM stands for Administration and Finance. The second set of letters represents the department area within that division. For example, SC represents the Office of Conflict Resolution and Student Conduct, and FA represents Financial Aid. The two sets of numbers represent the individual policies within that department or area. When one sees the policy DSA.SC.200.001, the division responsible for the policy is the Division of Student Affairs, the department responsible for the policy is the Office of Conflict Resolution and Student Conduct, and 200.001 outlines the University policy regarding the official Presentation of Identification.

*Use this document as a guide, but be sure to check the Policy Directory for all current and updated policies at the University of Mississippi.*

### The University of Mississippi Mission Statement

As Mississippi's first comprehensive, public university and academic medical center, the University of Mississippi transforms lives, communities, and the world by providing opportunities for the people of Mississippi and beyond through excellence in learning, discovery, healthcare, and engagement.

## The University of Mississippi Diversity Statement

The University of Mississippi embraces its public flagship mission of inspiring and educating our diverse and vibrant community where all individuals are able to intellectually, socially, and culturally thrive through transformative experiences on our campus and beyond. In fulfillment of this mission, we demonstrate the following commitments to diversity, equity and inclusion:

- Diversity is an affirmation of the intersecting individual, social and organizational identities that make our community vibrant and transformational. We commit to openly increasing, embracing and recognizing the full spectrum of diversity at all levels of our institution.
- Equity is directly addressing the social, institutional, organizational and systemic barriers that prevent members of marginalized groups from thriving in our community. We commit to be both proactive and responsive in mitigating barriers so that all members of our institution are able to reach their full potential.
- Inclusion is actively and intentionally creating a welcoming campus where all individuals feel they have a supportive and affirming space to learn, grow and engage. We commit to fostering a campus environment that fully supports, values and engages the intersectional identities of every member of our community.

## The University of Mississippi Creed

The University of Mississippi is a community of learning dedicated to nurturing excellence in intellectual inquiry and personal character in an open and diverse environment.

As a voluntary member of this community:

- I believe in respect for the dignity of each person. I believe in fairness and civility.
- I believe in personal and professional integrity. I believe in academic honesty.
- I believe in academic freedom.
- I believe in good stewardship of our resources.
- I pledge to uphold these values and encourage others to follow my example.

## Voices from University History

"Hours spent out of bed when you ought to be in bed means years in the grave when you ought to be out." ***M Book 1911-12***

"As soon as you are matriculated, you are a part of the University and 'Ole Miss' is your Alma Mater. You are fully entitled to the rights and privileges which she offers, and responsible now for the upholding of her good name." ***M Book 1931-32***

"'Collegiate' does not mean 'asinine,' and rough stuff does not signify college spirit. Be sensible." ***M Book 1934-35***

"Everyone speaks at Ole Miss. Unique in the system of great universities, Ole Miss is proud to be known as 'The Friendly University.' Genuine friendship is more than just a tradition, it is a way of life. Upperclassmen are always willing to lend a helping hand. ***M Book 1967-18***

## Ole Miss Alma Mater

*Way down south in Mississippi, there's a spot that ever calls,  
Where among the hills enfolded stand old Alma Mater's halls  
Where the trees lift high their branches to the whisp'ring Southern breeze  
There Ole Miss is calling, calling to our hearts fond memories.*

*With united hearts we praise thee, all our loyalty is thine,  
And we hail thee, Alma Mater, may thy light forever shine;  
May it brighter grow and brighter, and with deep affection true.  
Our thoughts shall ever cluster 'round-the, dear old Red and Blue.*

*May thy fame thruout the nation, thru thy sons and daughters grow  
May thy name forever waken in our hearts a tender glow,  
May thy counsel and thy spirit ever keep us one in this,  
That our own shall be thine honor, now and ever, dear Ole Miss.*

Words by Mrs. A. W. Kahle (written, 1925) Music by W. F. Kahle

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## SECTION I

### Academic Policies, Standards, and Regulations

Academic regulations are published in the [online Catalog](http://catalog.olemiss.edu) (<http://catalog.olemiss.edu>). Policies published in the Undergraduate Catalog are a digest of the academic rules of the University of Mississippi. The catalog is a guide created for the convenience of students.

The University of Mississippi reserves the right to:

- change or withdraw courses;
- change the fees, rules, and scheduled for admission, registration, instruction, and graduation; and
- change other regulations affecting the student body at any time.

Implicit in each student's enrollment with the University is an agreement to comply with the University's rules and regulations. The University may modify rules and regulations as needed to properly carry out its educational responsibility.

### Academic Conduct and Discipline

#### ACA.AR.600.001

#### Academic Discipline

The broad purpose underlying student discipline is to order University living in such a way that the interests of the student body as a whole and of the individual members are best served. The University's responsibility extends to the conduct of all students of the University. The University reserves the right to sever the connection of any student with the University for appropriate reason. When a situation of a disciplinary nature arises, every effort is made to discover the reasons underlying the behavior in question so that constructive steps for the future may be taken. The standards of conduct and disciplinary procedures are stated in detail in the *M Book*.

#### Academic Conduct

##### Standards of Honesty

The University is conducted on a basis of common honesty. Dishonesty, cheating, or plagiarism, or knowingly furnishing false information to the University, are regarded as particularly serious offenses. Disruptive behavior in an academic situation or purposely harming academic facilities also is grounds for academic discipline.

##### Disciplinary Procedures

In the College of Liberal Arts and in the Schools of Accountancy, Applied Sciences, Business Administration, Education, Engineering, and Journalism and New Media, faculty members handle cases of academic dishonesty in their classes by recommending an appropriate sanction after discussion with the student. Possible sanctions include: failure on the work in question, retake of an examination, extra work, grade reduction or failure in the course, disciplinary probation, or suspension or expulsion from the University. An appeals process is available to the student. A more complete statement concerning definitions, offenses, penalties, and grievance procedures is found below.

The Schools of Law and Pharmacy deal with disciplinary infractions through their student bodies, which maintain Honor Code systems.

## **Examples of Academic Misconduct**

### **Plagiarism**

Plagiarism is a serious offense in which someone else's work is presented as one's own. There are many forms of plagiarism. Plagiarism takes place when published material is copied verbatim or paraphrased without appropriately citing the source of material, and is not limited to copying the exact words from published material. Forms of plagiarism include, but are not limited to, copying published material verbatim, paraphrasing the work of another without properly citing that work, keeping the content and/or structure of another's work and changing the words, and unfairly using material, such as taking large portions of another's work without substantial addition of one's own ideas or commentary. (For [more specific examples of plagiarism](http://www.plagiarism.org), please visit <http://www.plagiarism.org>.)

In addition to these examples of plagiarism, a student who copies another's homework, copies answers to test questions, or allows someone else to do work for him/her on homework or tests also violates the standards of honesty and fairness and is subject to academic discipline.

### **Using Someone's Work**

A student who misrepresents the work of another as his/her own is engaging in academic misconduct. For example, handing in a paper purchased from a term paper service, using a paper prepared by another, or engaging another person to take a test (class- related or standardized, such as the GRE) in his/her stead, are examples of academic misconduct. This type of academic misconduct applies to all disciplines and fields of study.

### **Knowingly Allowing Someone Else to Represent Your Work as His/her Own**

By letting someone else use your work, there are at least two people involved: the person who does the work and the person who falsely represents that work as her or his own. Both are subject to academic discipline.

### **Gaining or Attempting to Gain an Unfair Advantage**

Violations of the University's standards of honesty include possession, or an attempt to gain possession, of a test prior to its being given. An attempt to gain possession does not imply that one must physically have an original of the test or assignment. Other violations include, but are not limited to, accessing computer files; breaking or entering a locked or unoccupied office in an attempt to gain an unfair advantage; using a cell phone or other device to obtain materials from websites or other students; using reference materials that have not been allowed by the instructor; using handwritten or printed notes during a "closed book/closed notes" test; stealing books or other materials from the Library, Museums, Computer Center, or other University facilities; removing pages from University owned books or journals; and/or employing bribery, intimidation, or harassment in an attempt to gain unfair advantage.

### **Giving False Information or Altering Documents**

Falsely attesting that work has been accomplished when it has not been, falsely attesting that functions or classes were attended that were not attended, and altering answers to test questions after the tests have been graded and returned are examples of giving false information. Altering grade report forms or changing grade forms or class rolls, either in their physical or electronic (computer file) form, and altering, falsifying, or misusing any other University documents also constitutes a violation of expected standards of honesty. Falsifying research data or other scientific misconduct also may be considered a violation.

### **Disruptive Behavior**

Disorderly behavior that disrupts the academic environment violates the standard of fair access to the academic experience. Some examples of disruptive behavior are purposeful acts, such as "shouting down" a seminar speaker, physically or verbally harassing an instructor or fellow student, or engaging in any type of disruptive behavior in a class situation that interferes with the ability of the professor to teach or other students to learn.

### **Harm to the Facilities that Support the Academic Environment**

A student who purposely harms the facilities that support the academic environment may be subject to academic discipline. Damaging books, laboratory equipment, computers, and other facilities violates the standard of fair access to the academic experience.

### **Violations Are Not Limited to the Areas and Examples Given**

The academic discipline procedure may be invoked whenever the principles of honesty and fairness are violated and/or the facilities that support the academic environment are harmed. The examples given above are illustrative only (it is impossible to delineate or cite every possible violation), and any act that violates the principles of honesty and fairness may be subject to academic discipline. Some acts, such as sabotage of another student's work or sabotage of an instructor's records, may not fall neatly into any one of the six areas listed above but are subject to academic discipline if found damaging to the academic environment at The University of Mississippi.

## **Procedures Related to Academic Misconduct Charges**

### **Faculty Discussion with Student**

When a faculty member believes that a student has committed an act of academic dishonesty, he/she shall seek to discuss the alleged violation with the student as soon as possible and give the student an opportunity to explain. If the faculty member still believes the student committed an act of academic dishonesty after discussing the matter with the student, the faculty member may recommend an appropriate sanction, such as grade reduction, retake of a test or examination, extra work, failure in the course, suspension, expulsion, or a combination of these or other sanctions. The faculty member shall inform the student of the recommended sanction either within the communication described above or a separate communication. Note that if the student does not respond to communications from the faculty member, the matter may still proceed.

### **Initiation of Case and Notification to Student**

In the event that:

- a) a sanction beyond probation (see the list of possible sanctions) has been appealed by a student,
- b) the appeal has not yet been resolved, and
- c) it is the period for course grade reporting,

an instructor should submit an I (incomplete) course grade.

The Registrar's Office will contact the instructor to finalize the course grade after the case has been finalized. If the student does not appeal a sanction or if an appeal has been resolved before the grade reporting period, the instructor should submit a course grade that includes the upheld or non-appealed sanction.

If the alleged violation occurred outside of the structure of a course, e.g., comprehensive exams, the appropriate faculty member, or program, department, or college/school official, shall initiate the case within the myOleMiss system by accessing Students > Academic Discipline > Initiate Academic Discipline Case.

Initiating an academic discipline case requires the person initiating the case to provide a written report of the alleged incident, including information regarding the communications with the student described above, as well as indicate the recommended sanction. The faculty member also is asked to indicate whether the student accepted the sanction. If there are documents related to the case, the system provides the faculty member with directions on how to upload those documents, and such uploaded documents become a part of the case that is accessible online through the myOleMiss portal.

Once a case is initiated, email notifications of the matter are automatically sent by the online system from a Provost's Office representative to the following: the student, faculty member initiating case, department chair, dean of the school or college in which the course was offered (if initiated case was related to a course), student's academic dean (if different from above or alleged violation not associated with a course), Provost's Office representative, and chair of the Academic Discipline Committee. For cases that include a recommended sanction of probation, suspension, or expulsion, the following also will receive the email notification: Registrar's Office representative(s), the provost, and the vice chancellor for student affairs. If the case initiated involves the alleged actions of a graduate student, the dean of the Graduate School will receive the email notification as well. The email will contain a link to the accessible case information online. If the instructor of record is a graduate student, he/she may need to access the system with the assistance from his/her department chair.

In addition to the email notifications referenced above, if the recommended sanction is probation or suspension, the provost shall direct the registrar to inform the student of the sanction imposed via letter. If the recommended sanction is expulsion, the provost shall inform the chancellor and the chancellor shall direct the registrar to inform the student of the sanction imposed via letter.

The registrar will send such letters to the student's current mailing address with copies to the faculty member, department chair, and appropriate dean(s).

### **Challenge of Sanction by Student**

The student may challenge the sanction recommended by a faculty member by logging onto the page linked in the email notification and submitting a written appeal through the online system within 14 calendar days of the case being initiated. The student's written appeal request shall state, as simply as possible, why the faculty member's decision is unacceptable. Failure to make an appeal within this 14-day time period shall constitute a waiver of the appeal right and shall result in the sanction becoming final as recommended and the case is considered complete, except as noted below in cases in which the sanction includes probation, suspension, or expulsion.

If the alleged violation of the academic discipline policy occurred as part of a course, the student may not drop the course. If a student drops the course following the incident on which the case is based, whether before or after the initiation of the case by the faculty member, the student will be re-enrolled by Registrar's Office staff. If the incident on which the case is based occurred prior to the University's deadline for course withdrawals and the student wishes to request an allowance to drop the course, that request must be made as part of the student's written appeal. To reiterate, such requests will be considered only when the alleged incident occurred prior to the University's deadline for course withdrawals. Further, even if the timing is appropriate under the University's deadline for course

withdrawals, such requests will be granted only in extenuating circumstances including, but not limited to, dismissal of the case or minor sanction. If a student is allowed to withdraw from the course, Registrar's Office staff will effectuate the withdrawal in the system. If it is determined that the student committed an act of dishonesty and the student is allowed to withdraw from the course, the case will remain within the academic discipline system and the Academic Discipline Committee, or appropriate party, will have the right to implement a non-course related sanction. In making a determination to allow a student to withdraw from a course, the Academic Discipline Committee will consider the documentation in the case and level of sanction(s), and also will consult with the instructor of the course regarding the student's status and progress in the course at time of alleged incident. If the incident on which the case is based occurs after the University's deadline for course withdrawals, the student may only withdraw if the case is dismissed and the University's late withdrawal policy will apply.

### **Academic Discipline Committee Procedures**

If a student presents a timely appeal, the appeal will be reviewed by the Academic Discipline Committee, whose membership includes faculty, staff, and students, and the composition of which as of the beginning of any academic year may be found in the myOleMiss portal by accessing the Committees > Standing Committees menu. The Academic Discipline Committee first shall review the appeal to determine whether a formal hearing is warranted. The chair of the Academic Discipline Committee may appoint a three-person subcommittee to make this determination or ask the full committee to participate in that part of the review. If the Academic Discipline Committee determines that a hearing is not warranted, then the full committee shall vote, based upon written statements and documentation submitted by the student and faculty member, on whether to uphold the recommended sanction, dismiss the case, decrease the sanction, or increase the sanction.

If the Academic Discipline Committee determines that a formal hearing is not warranted, the chair of the Academic Discipline Committee shall enter that decision, along with the determination regarding the sanction, into the online system, which will generate another set of automatic emails to those who received the initial email notifications regarding the case. The decision of the Academic Discipline Committee may then be viewed as part of the case by logging into the page linked in the email.

If the Academic Discipline Committee determines that a formal hearing is necessary, the chair of the Academic Discipline Committee will work with the student and members of the Academic Discipline Committee to arrange a time and place for the hearing. If a student appeals and the sanction involves suspension or expulsion, the student will be granted a hearing automatically.

#### **Advocate/Legal Counsel and Witnesses**

The student and faculty member initiating the case shall be permitted, at his/her expense, to have an advocate or legal counsel provide support for him or her at the hearing and through all other stages of the academic discipline process. The role of the advocate or legal counsel shall be limited to an advisory capacity only. The advocate or legal counsel may not make opening or closing statements, question witnesses, make oral argument, or otherwise speak a party's behalf or to the party during the hearing process. The student or faculty member initiating the case may present witnesses or other evidence, question opposing witnesses, and make opening and concluding statements on his/her own behalf. The student and faculty member initiating the case shall provide the chair of the Academic Discipline Committee, within 72 hours prior to the hearing, the names of any advocate, legal counsel, and witnesses, as well as documentation he or she intends to present at the hearing that is not available or been uploaded through the online system.

### **Recording of Committee Hearings**

Hearings before the Academic Discipline Committee shall be recorded. The recording shall be preserved until the time for all avenues of appeal available to the student have expired. At the student's request, and at his/her own expense, copies shall be made available.

### **Approval of Sanction Possibilities**

The Academic Discipline Committee shall have the right to approve the faculty member's recommended sanction, impose a lower sanction or no sanction (i.e., dismiss the case), or impose a harsher sanction than recommended by the faculty member.

Sanctions available to the Academic Discipline Committee may include, but are not limited to, one or a combination of the following penalties:

- (a) The student receives a reduced grade, F, or zero on the assignment.
- (b) The student receives a reduced grade or an F in the class.
- (c) The student is required to take another test or examination.
- (d) The student is required to submit another term paper, computer project, etc.
- (e) The student is placed on academic disciplinary probation.
- (f) The student is suspended.
- (g) The student is expelled.

### **Vote of The Academic Discipline Committee**

To find a student responsible to a violation of the Academic Conduct and Discipline policy, a majority vote of the members of the Academic Discipline Committee hearing the case is required based on the preponderance of the evidence standard. The chair of the Academic Discipline Committee shall upload a written decision through the online system within five working days of the completion of the hearing. The written decision shall contain findings of fact and conclusions. Entering the decision into the online system will generate another set of automatic emails to those who received the initial email notifications regarding the case. The decision of the Academic Discipline Committee may then be viewed as part of the case by logging into the page linked in the email. Decisions of the Academic Discipline Committee are final, and no further appeal may be made, unless the final sanction includes suspension or expulsion.

Sanctions including probation must be reviewed by the provost. If the final sanction following appeal to the Academic Discipline Committee includes suspension or expulsion, student shall have the right to appeal this sanction in writing to the chancellor within five working days of the student's receipt of the written decision of the Academic Discipline Committee's, or, if the case was initiated against a graduate student, of the dean of the Graduate School (see next paragraph).

The chancellor shall review the record and make a written decision upon the record as submitted. The student and his/her representative are not entitled to present additional evidence and argument to the chancellor. Upon making a decision, the chancellor shall notify the student, faculty member, department chair, appropriate dean(s), chair of the Academic Discipline Committee, representative(s) of the Registrar's Office, and provost, of his/her action.

In cases involving graduate students, a committee finding that no act of academic dishonesty was committed is final, but the dean of the Graduate School shall review all committee decisions recommending sanctions and penalties, including decisions recommending the penalties of probation, suspension, or expulsion. In reviewing the committee's decision, the dean of the Graduate School shall consult with the dean of the college or school in which the course was offered, and, if different, the dean

for the graduate student's degree program. The dean of the Graduate School's review of the committee's decision shall be on the record and without any right by the graduate student or his or her counsel or representative to present additional evidence or argument. The dean of the Graduate School shall, by written decision, affirm, modify, or reverse the committee's action within 10 working days of his or her receipt of the committee's written decision. The dean of the Graduate School shall notify the graduate student, faculty member, department chair, appropriate dean(s), chair of Academic Discipline Committee, representative(s) of the Registrar's Office, and provost, of his or her written decision.

### **Written Report of Outcome**

If the sanction is suspension or expulsion, the provost shall provide a written report of the outcome to the student, faculty member, department chair, appropriate dean(s), the registrar, and the vice chancellor for student affairs. This written report shall not be provided until the appeals process is completed.

### **Attendance in Class Pending Outcome of Appeal**

A student may not drop a course when an academic discipline case has been initiated. A student who has been informed that a grade penalty of failure in course has been imposed shall be immediately dismissed from the class involved unless the student plans to appeal the penalty. In the event of an appeal, the student may continue to attend the class until the appeal process has been concluded. If the appeal occurs at the end of a term, the faculty member will assign the student a grade of I (incomplete) while the appeal is pending. If the imposed sanction is expulsion or suspension, the student also has the right to continue in the course until the review by the Committee and appeal are exhausted, unless a determination is made by the provost that continuation in the course will significantly compromise the learning environment for other students or the safety of individuals.

### **Penalties**

The range of sanctions for an academic discipline infraction is given in an above section. These sanctions may be given in combination. In the case of expulsion, the student also will be assigned a failing grade in the associated course. In the case of suspension, the grade assigned for the associated course will be determined by the provost upon consultation with the Academic Discipline Committee and instructor. An expulsion will take effect immediately upon exhaustion of the review by the Committee and appeal to the Chancellor; if this occurs in the middle of a semester, the expulsion will terminate enrollment in all courses. In the case of a suspension, if the review and appeal is exhausted in the middle of a semester the provost will determine whether the student can continue in other courses.

Many departments have strong policies against plagiarism, and syllabi for courses often contain a statement indicating that the academic discipline sanction for the commission of any offense is failure in the course. However, other penalties, such as failure an assignment, repeating the assignment, reduction of course grade, academic disciplinary probation, suspension, and/or expulsion, may be recommended by a faculty member or the Academic Discipline Committee. In the case of repeat offenders, the Academic Discipline Committee, the provost or the dean of the school/college of the student involved may seek to impose additional penalties.

Under Policy Code ACA AR 200.003, "The forgiveness policy cannot be used to remove grades given for reasons of academic discipline." Thus, if an academic discipline case is upheld and the resulting sanctions include either failure in the course or reduced grade in the course, with the resulting final grade in the course is a C-, D, or F, the student may repeat the course, but may not invoke the forgiveness policy to remove the first grade. For a lesser sanction, such as failure or reduced grade on assignment, repeating the assignment, or probation, the student may repeat the course and invoke the forgiveness policy.

Consequently, if the infraction occurs on a test or assignment that is a major component of the course grade, the more appropriate sanction should be failure in the course or reduced grade in the course

### **Academic Disciplinary Probation**

When a grade penalty is not appropriate, probation may be imposed. Probation constitutes a warning that is noted in the academic discipline database for the student. Subsequent violations of academic discipline regulations by the student may result in suspension or expulsion. The duration of any disciplinary probation period will ordinarily be for the remainder of the student's association with the university. However, a shorter term of probation may be recommended, which would be subject to approval by the provost in the case of undergraduates or the dean of the Graduate School in the case of graduate students. The provost or the dean of the Graduate School shall notify the student of his or her decision of the sanction of probation, with copies to the faculty member, department chair, appropriate dean(s), and Registrar's Office representative(s), and chair of the Academic Discipline Committee. Academic disciplinary probation does not appear on a student's transcript.

### **Academic Suspension**

Suspension results in the exclusion of the student from classes and other specified privileges or activities for a definite period of time. The duration of any suspension or any condition(s) or penalty(ies) recommended shall be in proportion to the seriousness of the violation and subject to the approval of the chancellor. All suspensions shall be permanently noted on the student's transcript. The chancellor shall notify the student of his or her decision, with a copy to the faculty member, department chair, appropriate dean(s), provost, Registrar's Office representative(s), and chair of the Academic Discipline Committee.

### **Expulsion**

The student is deprived of his or her opportunity to continue at the University in any status. The penalty of expulsion is subject to the approval of the chancellor, who shall notify the student of his or her decision, with a copy to the faculty member, department chair, appropriate dean(s), provost, Registrar's Office representative(s), and chair of the Academic Discipline Committee. A notation shall be placed on the student's transcript.

## **Grade Appeal ACA.AR.600.002**

The grade appeal policy and procedure is designed to provide an undergraduate or graduate student at The University of Mississippi with a clearly defined avenue for appealing the assignment of a course grade, following the posting of final grades, that he/she believes was based on prejudice, discrimination, arbitrary or capricious action, or other reasons not related to academic performance. The student's request for a grade appeal must be taken successively to the instructor, the chair of the department (or director of the program) in which the grade was given, and the dean of the school or college to which the department belongs, with a possible resolution of the conflict at any stage. Either the student or the instructor may appeal a decision made at the dean's level. This formal grade appeal will be reviewed by the Academic Appeals Committee and by the vice chancellor for academic affairs.

A final grade is the instructor's evaluation of the student's work and achievement throughout a semester's participation in a course. Factors upon which the final grade may be based include: attendance; recitation and class participation; written, oral, and online quizzes; reports; papers; final examinations; and other class activities. There is a presumption that the instructor who has conducted the course is professionally

competent to judge the student's work, and in the absence of convincing evidence to the contrary, has evaluated it fairly. In all cases, the complaining student shall have the burden of proof with regard to all allegations in his/her complaint and in his/her request for review or hearing. If a party fails to pursue any step of the grade appeal procedure within its allotted time, the disposition of the case made in the last previous step shall be final. All correspondence and records shall be retained in the office in which the complaint is finally resolved

A grade appeal cannot be based upon differences in grade assignments between multi-section courses, whether or not the course sections are taught by the same instructor.

This policy and procedure below applies to students and courses taught on the main campus, off campus centers, and online. In the following outline, time periods in Steps 1 and 2 are in calendar days and the time periods apply to intersession and Summer terms, as well as Fall and Spring semesters. Written appeals may be transmitted electronically. Individual schools may utilize different versions of the Steps 1 and 2 (e.g., if there are no department chairs within the school), but Steps 3-5 should be followed. If a graduate student wishes to appeal the results received on his/her comprehensive examination, he/she should contact the dean of the Graduate School for the appropriate policy.

The grade initially assigned by an instructor remains in effect, until and unless a change is determined by the appeal process. unless a change is determined by the appeal process.

## **Outline of Grade Appeal Procedure and Time Schedules**

### **Step 1. Informal Consultation with Faculty Member**

This must be initiated within 30 calendar days of the posting of the course grade for viewing by students. The instructor's decision, whether a denial of the appeal or other resolution, must be completed within 15 days of receiving the appeal.

### **Step 2. Appeal to the Department Chair**

If a student wishes to appeal a grade further, he or she must submit a written appeal to the chair of the department (or director of the program) in which the course is being appealed, with a copy submitted to the chair of the department in which the student is majoring (if different), within seven days following the end of Step 1. The course-controlling department chair has 15 calendar days from receipt of the appeal to achieve resolution of the appeal.

### **Step 3. Appeal to the Dean**

If a student wishes to appeal a grade further, he or she must submit a written request to the dean of the school or college in which the course was offered, with copies to the chair (or director) of the department and to the chair of the department in which the student is majoring (if different), within seven days following the end of the 15-day time period in Step 2. (In the case of a graduate student, this written appeal must be sent to the dean of the Graduate School.) The dean will then take action to have a Grade Appeal function appear within the student's (and instructor's, chair's, and dean's) myOleMiss portal. An email will be sent to each party, explaining that they are able to enter or upload the basis for the appeal/denial, including attaching pertinent correspondence and materials. The department chair must enter copies of correspondence and other pertinent material within five days of receiving this email. The dean must render a written decision within 15 days of receipt of the appeal.

#### **Step 4. Appeal to Academic Appeals Committee**

Either the student or the instructor may request a review by the Academic Appeals Committee. A written request, including the student's name, ID, the course/section, and instructor, must be submitted to the vice chancellor for academic affairs (provost) via the myOleMiss Grade Appeal function within 15 days of the receipt of the dean's decision. The Academic Appeals Committee will then review the information provided to reach a recommendation.

#### **Step 5. Review by the Vice Chancellor for Academic Affairs**

The vice chancellor for academic affairs (provost) will review the recommendation by the Academic Appeals Committee and shall render a final decision on the appeal. The decision of the vice chancellor cannot be further appealed.

### **Explanation of The Steps in A Grade Appeal**

#### **Step 1. Informal Consultation**

The student shall first consult with the instructor in an effort to reach a satisfactory resolution of his or her appeal. It is a part of the professional obligation of members of the University faculty to meet with students who wish to avail themselves of this academic grade appeal procedure for the purpose of reviewing the grade assigned and attempting to resolve the matter. In the event that the student cannot schedule a face-to-face meeting with the faculty member, the student may attempt to consult with the instructor by email or phone, or the student may ask the department chair to schedule the meeting between the student and the faculty member. Informal consultation is a required first step, and no further grade appeal is permitted unless informal consultation is first attempted. The only exception to this procedure is when the faculty member no longer is employed by the University or is otherwise unavailable so that it is impossible to complete Step 1. In this case, the student may proceed directly to Step 2.

#### **Step 2. Appeal to Department Chair**

If the matter is not resolved in Step 1, the student may present an appeal in writing to the chair of the department (or director of the program) in which the course was offered. The department chair shall attempt to resolve the appeal in consultation with the faculty member and the student within 15 calendar days of receipt of the written appeal. The department chair may consult with other faculty members of the department about the matter. (In any appeal to a chair/director, the student should send a copy of the appeal to the chair of the department of his or her major.)

#### **Step 3. Appeal to the Dean**

If the appeal cannot be resolved at the level of Step 2 within the 15-day prescribed time period, the student, within seven calendar days following the end of such period, may request in writing an appeal to the dean. Upon receiving a request for an appeal to Step 3, the dean will initiate an electronic record of the appeal using the myOleMiss portal. The student, instructor, and chair will be informed as to how to enter information, including the text of an appeal, correspondence records, and evidence, into an online system. The chair is responsible for entering the correspondence and evidence in his possession within five days. The student may enter the basis for his or her appeal, along with any evidence he or she wishes to present. Components of this written appeal, evidence, and correspondence will be made viewable to the student, chair, instructor, and dean. (In the case of a graduate student, the written appeal should be made to the dean of the Graduate School.) The dean may use any resource available to the dean's office to resolve the grade conflict within a 15-day period following receipt of the appeal. The dean shall communicate his/her decision to the student, faculty member, and department chair. (If the student is majoring in a different school/college, the electronic records will be viewable by the latter dean and chair/director of the program in which the student is majoring.)

#### **Step 4. Appeal to the Academic Appeals Committee**

Either the student or the instructor may appeal the decision made under Step 3 within 15 days by submitting a written request, via the myOleMiss portal, to the vice chancellor for academic affairs, asking for a review by the Academic Appeals Committee. The request for a review by an Academic Appeals Committee should state the factual basis for the appeal of the dean's decision. This request for appeal is the primary document setting forth the contention of either the student or instructor that the decision made by the dean should be reversed. Therefore, this request for appeal should be carefully drawn and supported by attachments of all relevant documentary material.

Upon receiving a request for review of a grade appeal, the vice chancellor for academic affairs shall call to action the Academic Appeals Committee. This is a standing committee comprising four faculty members and three students, one of whom is at the graduate or professional level. The committee is chaired by an associate vice chancellor for academic affairs, serving in a nonvoting capacity. Ordinarily, the faculty members serve three-year, staggered terms and are appointed by the Faculty Senate from among the tenured or tenure track faculty members. The students are appointed by the Associated Student Body (2) and Graduate Student Council (1) and may serve terms that last up to three years. Alternates will be identified for both the faculty and student committee members, for replacement of the primary members who are unavailable for various reasons, including declared conflict of interest with parties in a case.

The chair of the Academic Appeals Committee shall appoint a subcommittee that shall review all written material for an appeal to determine if a formal hearing is warranted. If, in the opinion of the subcommittee, a formal hearing is not warranted, a decision on the appeal shall be made by the Academic Appeals Committee based upon written evidence submitted by the student and the faculty member. If the subcommittee finds that the student's or the instructor's request merits a hearing, the chair of the Academic Appeals Committee shall notify all parties (student, instructor, chair, and dean) in writing of the time and location of the hearing. The purpose of the hearing is to elicit information on which the committee may base a recommendation to the vice chancellor for action. It is not to be construed as a trial in a court of law. The hearing before the committee shall be closed and shall be limited to only the student, instructor, chair/director, and dean, as well as any witnesses who receive prior approval by the committee to attend. Both student and instructor may provide any additional written materials they desire, and the committee may request additional material if it deems such necessary. Both the student and instructor concerned shall be afforded the right to present witnesses or other evidence, question opposing witnesses, and make a concluding statement. No attorneys shall be permitted to represent participants in Academic Appeals Committee hearings. The Academic Appeals Committee shall audio record all hearings and preserve these audio files until all further avenues of appeal shall have expired. At the student's or faculty member's request, copies of the audio file shall be made available. When the committee has reviewed all documents and heard such testimony as it considers necessary to reach a conclusion, it shall adopt by majority vote a recommendation to be made to the vice chancellor for academic affairs. The recommendation should be either to sustain the action taken at the dean's level (Step 3) or to take some other action with respect to the grade that is being appealed.

The committee may:

- (1) recommend that the grade remain as it was originally assigned by the instructor, or
- (2) report that in the judgment of the committee the original grade was arbitrarily or capriciously assigned and recommend that another designated grade be given.

The recommendation of the committee should be logged into the electronic record of the appeal and should be transmitted to the vice chancellor for academic affairs. The recommendation of the committee

should contain as explicitly as the nature of the case will allow the grounds on which the recommendation of the committee is based. The chair of the committee shall transmit copies of the committee's recommendation to the student, instructor, department chair/director, dean associated with the course, and department chair and dean associated with the student's major.

#### **Step 5. Final Decision by the Vice Chancellor for Academic Affairs.**

The vice chancellor for academic affairs shall make the final decision, utilizing any resources to assist in deciding the appeal. The vice chancellor shall have the right to allow the assigned grade to stand or to raise or lower the assigned grade. He/she shall inform all parties involved, including the Academic Appeals Committee, of his/her final decision on the matter.

### **Retention of Records**

As part of the University's grade appeal procedure, faculty members are required to keep grade-related materials until the completion of the next regular (spring or fall) semester. Material that applies to an ongoing grade appeal process must be retained for six months following completion of the grade appeal process. Grade-related material refers to examinations, projects, term papers, records on grades, attendance records, electronic files, and other material that is used in the grading process and is not returned to the student. If materials are returned to the student, a student desiring to appeal must present any tests, examinations, term papers, or other graded material that form the basis for his or her appeal.

## **Examination Policies**

**ACA.AR.200.002**

### **Regulations Governing All Examinations**

A student's failure to appear for an examination without an acceptable excuse, inability to present valid identification, absence from the room during the course of an examination without the consent of the examiner, or attempting any portion of an examination without submitting his or her answers shall result in failure of the examination. Tardiness beyond 15 minutes forfeits a student's right to an examination.

### **Final Examinations**

A final examination, to be given at the time posted in the examination schedule, is required in each undergraduate course, unless the appropriate chair and dean have approved an exception. A student who has three or four final examinations in one day may arrange with the course instructor to take the noon or 7:30 p.m. examination at another time. In order to give a final examination at any time other than that shown in the posted examination schedule, an instructor must have prior approval of the department chair and dean.

### **Last Week of Class**

The following guidelines exist to allow sufficient time for students and instructors to prepare for final examinations. These guidelines apply to the week preceding final examinations for undergraduate courses held during Fall and Spring semesters. During the period of Wednesday through Friday of the last week of class, instructors are not to give exams, tests, or quizzes that contribute more than 10% of the final grade

for a class. An instructor can obtain approval of the department chair and dean to give an exam, test, or quiz, of this weight, during this three (3) day period. Instructors should return graded work and/or inform students of their grades on exams, tests, or quizzes prior to the beginning of finals week. Exceptions to the above statement are automatically made for lab-based courses, technical writing courses, seminar courses that assign a term paper, and senior design courses that assign a multi-faceted project in lieu of a final exam. Major projects of the above types, which contribute more than 10% of the final grade and which are due during this Last Week period, should be assigned in the syllabus at the beginning of the semester and any substantial change in the assignment should be made known to students before the drop deadline.

## **Credits and Grades**

### **ACA.AR.200.003**

#### **The Semester Hour**

A semester hour is a unit of credit earned for academic work that includes no less than one hour of classroom or direct faculty instruction **AND** a minimum of two hours of out-of-class student work for approximately fifteen weeks for one semester (or the equivalent amount of work over a different amount of time); OR a semester hour is a unit of credit earned for an equivalent amount of work, as required above, for other academic activities as established by the institution, including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours. A typical three-hour course requires a minimum of 2250 contact minutes each semester.

For courses taught in an online and/or asynchronous format, the amount of instruction and student work must be equivalent to that for a traditional course.

#### **Class Attendance**

The philosophy of the institution is that students who attend class learn more than those who do not attend regularly and that grades are a reflection of learning. Furthermore, the policy below affirms that faculty and students share important responsibilities for the quality of the overall in- class learning experience.

##### **Responsibility of instructors**

It is the responsibility of the instructor to determine the attendance guidelines that best promote learning in a particular course. On or before the first meeting of each class, the instructor is expected to articulate and inform students in writing via a course syllabus about specific class attendance requirements. Procedural information and best practices for constructing course attendance policies are given in the Guidelines for Class Attendance, which is posted on the institution's policy directory. In general, instructors should exercise fair and consistent standards in determining when to excuse an absence and/or when to provide accommodations for missed major exams and assessments. An excused absence or accommodation must be provided to students who miss class to observe a recognized religious day or to fulfill a civic responsibility (e.g., jury duty or military service).

##### **Responsibility of Students**

It is the responsibility of the student to comply with the class attendance guidelines/policies and complete assignments, including those that involve out-of-class or online participation. Students are

responsible for informing instructors in advance about anticipated absences. Students should recognize that individual sections of a course may be taught differently and that the attendance policy for individual sections of a course may not be the same.

Aside from the learning opportunities missed due to absences from class, there are cases when a class absence or multiple absences may result in a student being dropped from a course or dismissed from the University.

Specifically:

1. Students must attend the first meeting of every course for which they are registered, unless they obtain prior departmental approval. Without such approval, a student who is absent from the first class meeting may be dropped from that class by the dean of the school or college with the responsibility for the course.
2. A student who incurs excessive absences in a given course may receive a grade of F for the course, and, in addition, may be dismissed from the class upon recommendation of the instructor and approval by the student's academic dean. When it appears to an instructor that a student has discontinued a class without officially dropping the course, the instructor will report this fact to the student's academic dean. The university reserves the right to dismiss from the university any student who has been excessively absent from multiple courses.

Faculty and staff who supervise student organizations and teams, including NCAA sports teams, are expected to schedule competitions and performances in such a way as to minimize the number of classes that students will miss. Names of participating students and the dates of class conflicts should be provided to the students' instructors prior to participation. Students and instructors should attempt to resolve potential conflicts regarding class attendance before the semester course withdrawal deadline. In cases where absence from class results from travel delays or the unanticipated continuation of participation in a competition, the student or supervisor should inform the instructor *within one business day* so that reasonable accommodations for absences due to university-sponsored activities can be made. If a student informs an instructor in advance about an anticipated absence and the instructor decides not to provide an accommodation for a major exam or assessment, the student may appeal to the department chair or program director (or dean, when the instructor is chair or program director) who oversees the course.

An appeal must be based on:

- (a) failure of the instructor to articulate a policy,
- (b) failure of the instructor to follow the articulated policy, or
- (c) failure by the instructor to offer a reasonable accommodation for a documented absence that caused a student to miss an assessment that is worth 20% or more of the course grade.

## **Grades and Grade Policies**

### **Pass-Fail Grading for Exercise and Leisure Activity Courses**

The pass-fail basis is the only grading available for all one-hour (EL) exercise and leisure activity courses.

### **Grade Symbols**

A final grade is the instructor's evaluation of a student's achievement throughout a semester's work in a course. Factors upon which the final grade may be based include attendance, recitation, written and

oral quizzes and tests, reports, papers, the final examination, and other class activities. The evaluation is expressed according to the following letter ABCDF letter system, with + and – adjustments possible for certain letter grades.

#### **Passing Grades**

- Excellent (A, A-),
- Good (B+, B, B-),
- Satisfactory (C+, C, C-),
- Lowest passing grade (D),
- Failure (F),
- Pass (P),
- Credit Granted (Z).

#### **Other Marks**

- Incomplete (I),
- In Progress (IP),
- Withdrawn (W),
- Audit (X).

#### **Grade Points and GPA**

The grade-point average (GPA) is computed by dividing the number of A, B+, B, B-, C+, C, C-, D, F-graded hours attempted at The University of Mississippi into the total number of grade points earned at the university.

Grade points per credit hour are assigned as follows:

- A = 4.0;
- A- = 3.7;
- B+ = 3.3;
- B = 3.0;
- B- = 2.7;
- C+ = 2.3;
- C = 2.0;
- C- = 1.7;
- D = 1.0;
- F = 0.

For the purpose of certain prerequisites and degree requirements, a B average and C average are defined as a GPA of 3.00 and 2.00, respectively, unless a more specific requirement is indicated. Independent study courses are not included in the semester-based GPA calculation.

#### **F Grade**

The grade of F is recorded if the student has failed on the combined evaluation of work through the semester, or if the student officially withdraws from the course after the course withdrawal deadline and was failing the course at the time of withdrawal.

#### **P Grade**

The grade of P is recorded for a student who earns a passing grade after enrolling in an exercise and leisure activity course on a pass-fail basis. P grades are not used in computing the student's GPA. F

grades recorded for pass-fail course work are, however, computed in the GPA as F grades. The P grade is not used in determining whether a student qualifies to graduate with academic honors.

### **Z Grade**

The Z grade is given to a student who earns a passing grade in certain courses for which the traditional grades of A, B, C, and D are deemed inappropriate. Courses for which the Z grade is authorized are denoted in the catalog listings; ABCD grades are not awarded in these courses. The Z grade is also given for advanced placement credit, for credit by examination as in the College Level Examination Program, for credit earned in some Study Abroad courses, for credit based on Armed Forces experiences, and for credit earned in a course for which a student has appropriately exercised the “Zgrade option” described below.

Z grades are not used in computing a student’s GPA; F grades recorded for Z-graded course work are, however, computed in the GPA as F grades. The Z grade is not used in determining whether a student qualifies to graduate with academic honors.

### **I Mark**

The temporary mark of I (incomplete) is given to a student when, for unusual reasons acceptable to the instructor, course requirements cannot be completed before the end of the semester. The instructor will submit an I Mark Assignment Form online during final grade submission, which will detail the work to be completed and the deadline for completion. This information will be conveyed to the student via email.

**Course failure or unexplained class absences may not be used as reasons to assign an I mark.** I marks are not computed in determining a student’s GPA. If an I mark for an undergraduate student has not been changed to a regular grade before the course withdrawal deadline (the 30th day of classes) of the next regular semester (excluding summer terms), the I automatically changes to an F and is computed in the GPA.

**An I mark may not be removed by formally enrolling in the same course in a subsequent semester at this university or any other institution.**

### **IP Mark**

The mark of IP (in progress) may be assigned to the first course in specifically designated course sequences whose nature is such that a regular grade would not be appropriate until the conclusion of the second course. Although a student’s course load reflects registration for the first course, both credit hours and grade points for the work done in both courses are assigned only upon completion of the second course. The IP mark is permanent, but is not used in computing the student’s GPA. Course sequences for which the IP mark is authorized are denoted in the catalog listings.

### **W Mark**

The W mark is recorded if the student obtains authorization to withdraw from a course after the course withdrawal deadline and was not failing the course at the time of withdrawal. The W mark is not computed in determining the GPA.

### **The Z Grade Option**

A current undergraduate student who is classified as a junior or senior may elect to take one course for credit toward the student’s undergraduate degree that would ordinarily be graded on an A, B+, B, B-, C+, C, C-, D, or F basis but for which the student will receive either a Z or an F grade. Upon making this

election, the student will receive a Z grade for the course if the student earns the equivalent of a C or higher in the course; otherwise, the student will receive an F grade. To make this Z grade election as to a particular course, the student must obtain the approval of the student's dean.

The election may not be made as to the following courses:

- (1) a course that a student will use to satisfy university core curriculum requirements;
- (2) a course that a student will use to satisfy the required curriculum component of any major or minor course of study or any degree (that is, the courses specifically identified as required or the minimum semester hours in particular subjects or in a department indicated as required); and
- (3) a course that a student will use to satisfy any requirement of a major or minor course of study or degree that a minimum number of hours be taken in courses of a particular level or higher (e.g., 300 level or higher). If a student elects to take a course on a Z grade basis but then subsequently changes degree plans such that the course becomes one to which one of the foregoing exclusions apply, then the student must retake and receive credit for the course on an A, B+, B, B-, C+, C, C-, D, or F basis. A student who elects to take a course for a Z grade under this policy may rescind this election up through the last day for registering or adding classes, but not thereafter. Conversely, a student who registers to take a class offered on an A, B+, B, B-, C+, C, C-, D, or F basis but would be entitled to elect to take the class on a Z grade basis according to this policy may make this election up through the last day for registering or adding classes, but not thereafter.

### **X Mark**

The mark of X is recorded for the student who enrolls as an auditor in a course and who fulfills all requirements established by the instructor for auditing students. If the student does not meet the requirements, no recording of the course is made to the student's permanent record. The deadline for changing one's status in a course to or from "audit" is the course withdrawal deadline.

### **Change of Grade**

A course instructor may change a reported grade only if the original grade was incorrectly assigned due to clerical or computational error, or if a student meets the requirements for the removal of an I mark.

### **Repeating a Course**

With the exception of courses that are specifically indicated to be repeatable for credit, students may repeat courses taken at the university according to the following requirements:

- the first or prior courses must have been completed with a grade of B-, C+, C, C-, D, F, Z or P;
- a course with an Incomplete grade cannot be repeated;
- a lower division course may be repeated twice (e.g., three attempts) and an upper division or graduate course may be repeated once; exceptions to these numbers of attempts must be approved by the student's academic advisor, the chair and dean controlling the course;
- letter grades for all attempts will appear on the student's permanent academic record and will be calculated into the student's cumulative GPA (unless the Forgiveness Policy is invoked for the course);
- credit toward a degree will be granted only once;
- if a student passes a course at the university and then fails the course on a repeated attempt, the passing attempt will apply to degree requirements;

Individual schools may establish more restrictive requirements for their majors.

### **The Forgiveness Policy**

An undergraduate student may improve his or her overall GPA by invoking forgiveness or exclusion on a maximum of four courses (not to exceed 14 credit hours) in which the student received a grade of C-, D or F and requesting that the original grade be excluded from the GPA calculation. If the course has been repeated, the repeat must be in the same course and must be taken at The University of Mississippi in fall 1992 or later. Under the forgiveness policy, a maximum of two courses (not to exceed 7 hours) in which the student received a grade of C-, D or F may be excluded from the student's GPA calculation without repeating the course. The student must file a Petition to Invoke Grade Forgiveness Policy with the registrar, stating which courses are to be forgiven or excluded. Once the student has declared one or more courses, different courses cannot be substituted at a later date. The forgiveness policy cannot be used to remove grades given for reasons of academic discipline. Forgiveness of a course grade will not change notations concerning academic standing or honors in the student's official record for the semester containing the forgiven course.

Although original grades will remain on the student's permanent record, the forgiven or excluded grades will not be used to determine credit towards a degree and GPA. The original course will be recorded with both the grade earned and the symbol R to denote that it has been removed from the student's GPA calculation either because it was repeated or excluded. The recalculated GPA will be used for determining graduation honors.

The forgiveness policy does not apply to students enrolled in the professional program in the School of Pharmacy for grades received in required professional courses as designated in the curricula for the B.S. in Pharmaceutical Sciences and Doctor of Pharmacy degree.

## **Access to Students' Records (Privacy Act - FERPA)**

### **ACA.AR.700.001**

#### **I. Students' Rights Under FERPA**

Subject to limitations specified in the Act, eligible students are assured the following rights pertaining to their educational records.

- A. The right to inspect and review their records, to request reasonable explanations and interpretations of them, and to obtain copies of them at their own expense. Students may request their records from the Office of the Registrar or from any other office on campus where education records are kept. The university will either allow the student to inspect the records or will provide copies to the student within a reasonable amount of time. If the records are not subject to disclosure under FERPA, the university will provide the student with an explanation for the non-disclosure.
- B. The right to seek correction of records that are believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights. If the university denies the request to amend, then the student has the right to ask for a formal hearing on the matter. (This policy does not cover grade appeals which are covered by university policy ACA.AR.600.002, Academic Grade Appeal Policy and Procedure.)

- C. The right to control the disclosure of personally identifiable information from their records to third parties. To authorize a disclosure, students should provide the university with a signed, dated, written consent that specifies the records that may be disclosed and identifies the party to whom the disclosure may be made. Students may also electronically allow the release of their educational records on an ongoing basis (such as to parents or guardians) through MyOleMiss. Students electronically authorizing the disclosure of records must identify both the individual entitled to receive records and the type of records subject to disclosure. This authorization may be revoked at any time by the student.
- D. The right to file with the U.S. Department of Education a complaint alleging failure by the university to comply with the requirements of the Family Educational Rights and Privacy Act.
- E. For additional information about students' rights, see 34 C.F.R. §99 et. seq. or contact the Office of the Registrar.

## **II. Directory Information**

Certain educational records are considered "directory information." Directory information may be disclosed by the university without a student's consent unless the student has "opted out" of such disclosures (see below).

The university treats the following information about eligible students as directory information subject to release:

- A. Name, home and local address, published telephone listing, email address, date of birth, photograph.
- B. School or college, classification (Fr., Soph., Jr., Sr., Gr.), dates of attendance, awards, degrees and honors, date graduated, and the most recent educational agency or institution attended.
- C. Participation in officially recognized activities and sports, fraternity and/or sorority affiliation and educational societies, and vital statistics, such as height and weight, for members of athletic teams.

**Opting Out of The Release of Directory Information.** A student may refuse the disclosure of any or all of the types of information designated above as Directory Information by submitting a written request to the Office of the Registrar. Students may contact the Office of the Registrar at any time to make this request; however, the university is not responsible for disclosures of directory information made prior to a student's notifying the Registrar of his or her decision to opt out.

## **III. Release of Education Records Not Requiring Consent**

- A. The university is authorized to provide access to student records to campus officials, employees and contracted agencies who have a legitimate educational interest in such access, without the student's written consent. These persons are those who have responsibilities in connection with campus academic, administrative or service functions and who have reason for using student records connected with their campus or other related academic/administrative responsibilities as opposed to a personal or private interest. Such determination will be made on a case-by-case basis.

- B. The university is authorized to disclose information from an educational record to appropriate parties, including parents, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
- C. The university is authorized to disclose to the victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense the final results of the disciplinary proceeding conducted by the university with respect to that alleged crime or offense. The university may disclose the final results of the disciplinary proceeding, regardless of whether the institution concluded a violation was committed. The university may disclose to a parent of a student the student's violation of any Federal, State, or local law, or policy of the university, governing the use or possession of alcohol or a controlled substance if— (i) The university determines that the student has committed a disciplinary violation; and (ii) The student is under the age of 21 at the time of the disclosure to the parent.
- D. For additional information about disclosures not requiring consent, such as disclosures to government agencies, see 34 C.F.R. §99 et. seq., or contact the Office of the Registrar.

#### **IV. Questions and Complaints**

Questions regarding records, the release of information and/or to request a paper copy of the Privacy Act may be directed to the Office of the Registrar, The University of Mississippi,

P. O. Box 1848, University, MS 38677. The email address is [registrar@olemiss.edu](mailto:registrar@olemiss.edu), and the telephone number is 662.915.7792.

Students wishing to file a complaint with the U.S. Department of Education can send the complaint to: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202.

### **Policy on The Dismissal or Change in Status of Graduate Students ACA.GS.100.003**

This policy describes the conditions and procedures, including appeals procedures, for the dismissal or change in admission status of a degree-seeking graduate student. A sanction of dismissal or expulsion, among other possible sanctions, may also result from academic discipline, non-academic discipline, or research misconduct proceedings. The policy below applies to students who are not meeting academic expectations and/or professional expectations within the degree program.

#### **Good Standing, Probation, And Dismissal or Change in Status Based Upon Failure to Meet Academic Performance Expectations on Degree Course Work:**

A graduate student must have a 3.0 GPA on all course work that is presented toward completion of a degree. A student is in good standing with respect to registration for an upcoming semester if he or she makes a 3.0 GPA on course work for the preceding Fall or Spring regular semester. A student whose grade point average is less than 3.0 for any regular semester will be placed on probation, and a dean's registration hold will be applied to the student's record. Such a student will not be allowed to register unless the academic department/program makes an affirmative recommendation to the Graduate Dean, who will then temporarily lift the hold. Without a written, favorable recommendation from the chair or graduate program coordinator of a department/program, a student on probation will be converted to an

inactive status and must re-apply and be re-admitted to the graduate program in order to continue in the same or other program.

In addition, a student may be dismissed from a graduate program or have his or her admission status changed (e.g., from full-standing to conditional or non-degree seeking) if the student fails to meet specific course requirements of the department/program.

These course requirements may have been specified for an individual student or may involve required grades in “core” courses. Ordinarily, these course expectations should be made known to the student before enrollment. In some circumstances, however, an appropriate faculty group, which may be the student’s advisory committee or the graduate education committee of a department/program, may require additional course work based upon the student’s performance in the program or failure to timely progress towards a degree.

If in the judgment of the appropriate faculty group a student fails to satisfy specific course or program requirements in a timely manner, the faculty group may recommend dismissal from a graduate program or change of status. This recommendation shall be forwarded by the graduate program coordinator or department chair to the Graduate Dean and to the affected student with an indication whether the chair or program coordinator concurs with the faculty recommendation. The Graduate Dean will act on the faculty recommendation and inform the student and the graduate program coordinator or department chair of the action taken. The decision of the Graduate Dean with respect to the faculty recommendation is not subject to appeal. Ordinarily, dismissal or change of status for failure to meet specific course requirements would take effect between semesters or enrollment periods. If a student is dismissed from a graduate program, he or she will be considered a non-degree II student and may re-apply to a graduate program.

#### **Dismissal or Change in Status Based Upon Failure to Meet Non-Course Work Academic Performance Expectations:**

In addition to graded courses, a graduate student is expected to pass examinations and perform research or other creative activities. A student may be dismissed from a graduate program if he or she fails to meet such expectations of the program. Departments/programs may establish non-course related academic performance expectations, such as whether or not a comprehensive examination may be repeated or timelines for research accomplishment or the successful completion of examinations. The advisor, graduate program coordinator, or department chair must provide reasonable warning to the student, in writing, about academic performance deficiencies. Typically, these warnings would occur as part of a periodic review process for students in the program. An appropriate faculty group, which may be the student’s advisory committee or the graduate education committee of a department/program, may recommend dismissal or change in the admission status of a student. This recommendation shall be forwarded by the graduate program coordinator or department chair to the Graduate Dean and to the affected student with an indication whether the chair or program coordinator concurs with the faculty recommendation. The Graduate Dean will act on the faculty recommendation and inform the student and the graduate program coordinator or department chair of the action taken. Ordinarily, dismissal or change of status for failure to meet non-course work academic performance expectations would take effect between semesters or enrollment periods. If a student is dismissed from a graduate program, he or she will be considered a non-degree II student and may re-apply to a graduate program.

The Graduate School has also established time limitations for master’s, specialist, and doctoral degree programs. Students who do not complete degree requirements within the established time limits will be changed to non-degree seeking II status.

## **Dismissal or Change in Status Based Upon Failure to Meet Professional, Ethical, And Behavioral Expectations:**

Graduate students are also expected to behave in a collegial manner and to adhere to the professional and ethical standards of the discipline. Students are expected to develop collaborative and collegial relationships with and to work with graduate faculty, students, and other professionals in research, academic, or professional settings. If in the judgment of the appropriate faculty group a student fails to meet the above expectations, or otherwise fails to act in ways that are consistent with the norms and standards of the profession or discipline, an appropriate faculty group may recommend dismissal or change in the admission status of that graduate student. This recommendation shall be forwarded by the graduate program coordinator or department chair to the Graduate Dean and to the affected student, with an indication whether the chair or program coordinator concurs with the faculty recommendation. The Graduate Dean will act on the faculty recommendation and inform the student and the graduate program coordinator or department chair of the action taken. Ordinarily, if a student is dismissed from a graduate program for the above reasons, he or she will be considered a non-degree II student and may re-apply to a graduate program. The judgment of the Graduate Dean may be to prohibit the individual from re-applying to some programs.

### **Related Procedures**

This policy complements the University's policies on Student Academic Conduct and Discipline (ACA.AR.600.001), Grade Appeals (ACA.AR.600.002), the Appeal of a Comprehensive Examination (ACA.GS.400.003), and the Student Judicial (Non-Academic Discipline) process (DSA.SC.300.010).

#### **Appeals Procedure**

The appeals procedure outlined below applies to dismissal and change in admission status cases involving failure to meet non-course work academic performance expectations and failure to meet professional and ethical expectations. The procedure does not apply to grade-based holds and dismissals, changes in status due to violation of time limitations, grade appeals for individual courses, academic misconduct or charges that are brought through the student judicial process. In the case of comprehensive examinations, the appeals process for the examination outcome initially follows a separate process. (See Appeal of a Comprehensive Examination (ACA.GS.400.003).) If the outcome of the examination appeal results in a dismissal or change in admission status, then the student may appeal as set forth herein.

An appeal must be based on evidence that the recommendation of the appropriate faculty group and/or the decision of the Graduate Dean were based on prejudice, discrimination, arbitrary or capricious action, or other reasons not related to academic or professional performance. There is a presumption that the faculty group and the Graduate Dean have acted with professional competence, and, in the absence of convincing evidence to the contrary, have evaluated the student fairly.

**The steps for the appeal are as follows:**

#### **Step 1. Appeal to a Graduate Student Appeals Committee.**

Either the student, the graduate program coordinator, department chair, or graduate faculty member from the program may appeal the decision of the Graduate Dean within 15 days of receiving notice of the Graduate Dean's decision by submitting a written request to the Provost/Vice Chancellor for Academic Affairs. The Graduate Dean and, as applicable, the student or the graduate program coordinator or

department chair must be provided a copy of the appeal request. The written request for an appeal must state the factual basis for the appeal of the Dean's decision. This appeal request is the primary document setting forth the contention by either the student or faculty that the decision by the Dean of the Graduate School should be reversed. Upon receiving a request for an appeal at this level, the Provost/Vice Chancellor for Academic Affairs will appoint an ad hoc Graduate Student Appeals Committee. This Committee will include: an at-large graduate faculty member who will chair the committee; three graduate faculty members, two of whom must be from the department involved; and three graduate students nominated by the Graduate Student Council leadership. The chair of this committee will first appoint a three-person sub-committee to review all written documents associated with the case to determine if a formal hearing is warranted. If, in the opinion of the subcommittee, a formal hearing is not warranted, the Graduate Student Appeals Committee may make its recommendation based upon written evidence submitted by the student, the faculty, and the Graduate Dean.

If the subcommittee finds that the student's (or faculty member's) request merits a formal hearing before the entire committee, the chair of the committee shall notify all parties (student, department chair, graduate program coordinator, involved faculty, and Graduate Dean) in writing of the time and location of the hearing.

The purpose of the hearing is to elicit information on which the committee may base a recommendation to the Provost/Vice Chancellor for action. It is not to be construed as a trial in a court of law. The rules of evidence shall not apply to the hearing, and the committee may base its recommendation on the sorts of information upon which institutions typically rely in making academic judgments. The hearing shall be closed. Both student and involved faculty may provide any written materials they desire, and the committee may request additional material if it deems such necessary. Both the student and faculty concerned shall be afforded the right to present witnesses or other evidence, question opposing witnesses, and make a concluding statement. No attorneys shall be permitted to represent participants. When the committee has reviewed all documents and heard such testimony as it considers necessary to reach a conclusion, it shall adopt by majority vote its recommendation to the Provost/Vice Chancellor for Academic Affairs. The chair of the committee shall send copies of the committee's recommendation to the Provost/Vice Chancellor for Academic Affairs, student, department chair or graduate program coordinator, involved faculty, and Dean of the Graduate School.

## **Step 2. Final Decision by Provost/Vice Chancellor for Academic Affairs.**

The Provost/Vice Chancellor for Academic Affairs shall make the final decision, utilizing any resources to assist in deciding the appeal. The Provost/Vice Chancellor shall have the right to allow the dismissal or change in admissions status to stand or to change the decision of the Graduate Dean. He/she shall inform all parties involved, including the Appeals Committee members, of his/her final decision on the matter.

If a student appeals a dismissal decision, the student may petition the Dean for permission to enroll in a course pending appeal. The Graduate Dean may, in his/her sole discretion, determine if a student may enroll pending appeal. However, if the appeal is denied, then the student will be dropped from all courses that relate to the case, and relevant refund policies will apply.

**Inactive Students or Admission-Denied Applicants:** Individuals who were UM students at one time and have been converted to an inactive status and applicants who were denied admission have no guaranteed right to the above appeals procedure. Students who are inactive for one regular semester must submit an application for re-admission. Unless expelled from the University, an individual who has been formally dismissed from a graduate program may apply to another graduate program within the University.

## SECTION II

### Non-Academic Policies, Standards, And Regulations

The University of Mississippi is an academic community comprised of multiple constituencies including students, faculty, and staff. Membership within the University community invokes certain privileges, rights, and responsibilities. This section, and the policies contained within it, focus on the opportunities, rights, and responsibilities of students at the University of Mississippi.

#### Student Rights and Responsibilities

##### Free Inquiry, Expression, and Assembly for Individual Students and Registered Student Organizations DSA.DS.100.001

Freedom of expression is not simply a right guaranteed by the First Amendment, it is fundamental to the University of Mississippi's mission. The mission of the University is to create, evaluate, share and apply knowledge in a free, open and inclusive environment of intellectual inquiry. Students are encouraged to freely examine and exchange diverse ideas inside and outside of the classroom without fear of retribution, intimidation or coercion. This policy is intended to promote and facilitate free speech across the University's community of scholars, without interfering with the University's educational, research and service missions or infringing upon the rights of others. Nothing in this policy authorizes the University to regulate the content or viewpoint of speech. Nothing in this policy is intended to prohibit the exercise of free speech otherwise permitted by law.

##### A. Definitions

For the purposes of this policy, the following terms shall have the meanings stated below.

- "Free speech" or "expressive activity" shall mean any speech, expression, assembly, petition or other conduct protected by the First Amendment notwithstanding what form it may occur, including, but not limited to, spoken or written word, protests, worship, leafleting, demonstrations, marches, picketing, rallies, vigils or parades.
- A "registered student organization" is any group of currently matriculating students in good standing who obtained official recognition from the University as a "registered student organization," by satisfying the application, orientation, training and renewal requirements specified in Registered Student Organizations Overview, DSA.DS.400.001.
- A "third-party" is any individual, group or organization that otherwise has no relationship or association with the University. For the purposes of this policy, a "third-party" shall not include any of the University's schools, academic departments, administrative departments, students, recognized student organizations, affiliated entities, faculty or staff.
- A "third-party event" is any program, activity or event that is planned, hosted, controlled or funded by a "third-party." An event may be deemed a "third-party event" even if University students, faculty or staff are expected to attend.
- "University property" means all grounds, buildings, facilities, stadiums or other improvements owned, leased, used or otherwise controlled by the University.

## **B. Spontaneous Free Speech**

To facilitate robust debate and the free exchange of ideas, students may use publicly accessible areas of campus for their individual, spontaneous free speech. The use is on a first-come, first-served basis, unless the area is reserved for a University event or University-approved function. Although prior reservations are not required for individual spontaneous free speech, students are encouraged to contact the Ole Miss Student Union Department (“OMSU”) in advance to minimize possible scheduling conflicts.

## **C. Unlawful and Disruptive Speech/Activity**

The University has long recognized that freedom of expression is vital to the pursuit of knowledge. Any person engaged in spontaneous or planned free speech on University property must comply with this policy and any other applicable University policy and law.

Under no circumstances may University property and resources be used for illegal activity. No speech or expressive conduct will be permitted that is unlawful, incites imminent lawless action and/or is likely to produce that result or involves violence or true threats of violence directed at a particular individual or specific group of individuals.

No free speech or expressive activity may: (i) block any entrance, exit, doorway or passage way, (ii) impede or interfere with the University’s ability to hold classes, (iii) substantially disrupt University operations or business, classroom instruction, student-led study, laboratory work or research, (iv) obstruct pedestrian, bicycle or vehicular traffic, (v) substantially disrupt any university sponsored or recognized event or (vi) vandalize, damage, deface or destroy University property.

## **D. Planned or Organized Free Speech**

A student or registered student organization (“RSO”) who seeks to sponsor or engage in free speech in either an outdoor area of campus or in or on University property are encouraged to contact OMSU if the student or RSO is planning or organizing the event in advance. OMSU will determine whether one or more of the following content and viewpoint neutral circumstances exist that may require registration of the event: (i) more than 50 individuals are expected to attend the event, (ii) the event will be open to off-campus guests, (iii) crowd control or event security may be required, (iv) the event will be in or near an area or University property where classroom instruction, exams, study sessions, laboratory work, research, University operations or a University-sponsored event may be in progress, or (v) alcohol beverages may be present at the event, to the extent allowed by law and University policy.

OMSU receives and processes registrations on a first-come, first-served basis, as provided in DSA.DS.400.003, unless the area is reserved for a University event or University-approved function. A student or designated officer(s) of a RSO are encouraged to complete all aspects of the registration process at least fifteen (15) business days before the date of the planned expressive activity, including but not limited to, the event registration submission, space reservation(s), facilities management arrangements, parking and transportation coordination, the payment of any security fees, and any other applicable financial transactions. Designated officers may include the RSO’s president, vice-president, social event chair, or director. OMSU’s practice is to work with students and RSOs, so that planned/organized expressive activity that involves individuals or small groups and does not necessitate registration, University involvement, or University resources can occur in a timely manner. OMSU will respond to student or RSO inquiries or registration requests within three (3) business days or less.

As part of the registration process, a student or designated officer(s) must confer with OMSU and the University Police Department (“UPD”) regarding event security and logistics. UPD is the final authority on

any security or safety precautions required for an event, and UPD's directives will not be based on speech content, viewpoint or any listener's anticipated reaction to the expressive activity. If additional EMS, fire, or other safety precautions are required beyond that supplied by the University in the ordinary course, the student or RSO may be responsible for any additional reasonable security fees. The security fees imposed will be based on standard, approved, and published rates for UPD or other security personnel and for any associated equipment costs or rentals. The number of personnel and amount and type of equipment charged will be based on UPD's assessment including, but not limited to, the following criteria: (i) event venue, including venue size, location, number of entrances, and exits to be staffed; (ii) time of day; (iii) number of expected attendees; (iv) whether entrances will be controlled and tickets will be sold; (v) whether the event will be open and/or advertised to third-parties outside the University; (vi) whether the event will be restricted to invited guests only and/or will be ticketed; (vii) whether alcohol will be served; (viii) whether there will be sales of food, beverages, or other items and whether cash handling will occur; (ix) whether event performers come with personal security teams or details that require UPD liaison; (x) whether event sponsors or event performers request additional security measures; (xi) whether vehicles, equipment, or items of value will be brought onto campus requiring security; and (xii) whether parking and traffic control will be required for the event.

Security fees will not be charged to students or RSOs based on concerns that the subject matter of the event or viewpoints, opinions, or anticipated expression of the sponsors, event performers, or others participating in the event might provoke disturbances or incur costs to respond to such disturbances.

Content and viewpoint neutral considerations such as competing demands for University property and resources may compel OMSU to confirm an event registration subject to certain time, place and manner limitations, including an alternate date or place, so as to ensure an ample, alternative means for the expressive activity. OMSU may be unable to confirm a registration if the student or RSO does not complete the registration process or if the proposed expressive activity does not comply with this policy or applicable law.

#### 1. Appeal

A student or RSO has three (3) business days, exclusive of any intervening holidays, to appeal OMSU's determination regarding event registration. The appeal must be in writing and submitted to the Assistant Vice Chancellor and Dean of Students ("the AVC") in Lyceum 233 or at [umdos@olemiss.edu](mailto:umdos@olemiss.edu). The AVC will issue a decision within three (3) business days or less from the receipt of an appeal. The AVC's decision is final. Absent a timely appeal, OMSU's decision is final.

#### 2. Fees and Insurance

Students and RSOs may incur fees for the use of certain University property. In addition, students and RSOs may be required to obtain liability insurance at their own expense that lists as additional insureds the University and the Board of Trustees of the Mississippi State Institutions of Higher Learning.

Any fees imposed for the use of University property or event security must be paid out of the RSO's university account absent prior approval in writing from OMSU for an alternate means of payment. Certain University property may have additional use policies that must be followed.

#### 3. Accessibility

Any printed or electronic materials promoting an event must include the following accessibility statement regarding the availability of accommodations: We are committed to ensuring campus events are accessible and inclusive. If you require accommodations or assistance due to the impact of a disability, please contact [NAME] at [TELEPHONE NUMBER] or [EMAIL ADDRESS].

Students and RSOs may contact Student Disability Services to arrange the pertinent accommodations required for an event. Please bear in mind that some accommodations require advanced planning.

#### 4. Fronting

University property is not a place of unrestricted public access. As a public institution of higher learning, the University may only use its property in furtherance of its educational, research and service missions. When seeking to register an event involving expressive activity, students and RSOs must disclose and explain any third-party's involvement with the event. Students and RSOs may not reserve University property for a third-party without abiding by applicable University policy or so that a third-party may use University property at a reduced rate not otherwise applicable to third-parties. Both instances are examples of "fronting" and are prohibited.

Nothing in this policy is intended to prohibit a student or RSO from sponsoring a third-party organization or guest speaker in accordance with applicable University policy. In such cases, only the student or designated officer(s) of the RSO should communicate or engage in any transactions with either OMSU or the pertinent University department. The student or RSO must actively participate in the planning and execution of the sponsored event.

#### **E. Third-Parties**

Third-parties not otherwise sponsored by a student or RSO who seek to plan an event on public University property, should refer to the policy on third party free expression and use of space. Certain areas of University property are not open for general public use. The University maintains a position of neutrality as it relates to third-party free speech. A third-party's presence on University property does not mean that the University either endorses, sponsors or approves of the third-party's speech. A third-party does not speak for or on behalf of the University, nor does a third-party's access to or presence on University property imply a relationship or association with the University.

#### **F. Reasonable Time, Place and Manner Limitations**

Students and RSOs do not have unrestricted access to University property for expressive activity. The University, including UPD, may impose content and viewpoint neutral time, place and manner limitations on spontaneous or planned free speech, no more than reasonably necessary: (i) to ensure the health and safety of all persons on University property, (ii) to protect University property, (iii) to protect the legal rights of all persons on University property, (iv) to prohibit unlawful activity, or (v) to prohibit the disruption of the University's operations or its educational, research and service missions.

Further, the University's buildings, facilities and grounds may have specific requirements regarding occupancy, hours of use, purpose and functionality that may render them either unavailable or unsuitable for every requested use. The University may impose these and other content and viewpoint neutral limitations while providing ample alternative means for free speech and expressive activity on campus.

#### **G. Handbills, Posters, Flyers, Banners and Signs**

Building mayors or other University officials may designate areas in classrooms and areas in or around University buildings for students or RSOs to disseminate or post handbills, posters, flyers, banners, signs and other items. No handbill, poster, flyer, banner, sign or other item may be posted by students or RSOs on the exterior of any University building, facility or other surface, including but not limited to, any window, trash can, utility pole, plaque, tree, flag pole, monument, column or parked vehicle.

The University may regulate the size of the item to be posted or the manner of distribution, display or posting to mitigate any safety risk, interference with the University's educational, research or service missions or damage to University property.

Any disseminated or posted material promoting a student-sponsored or RSO-sponsored event must bear the name of the student or RSO. Any disseminated or posted material is expected to include the accessibility statement referenced above.

#### **H. Prohibited Items and Devices**

The University must maintain the safety and security of its campus and University community. The following items are prohibited during spontaneous or planned free speech but leave open ample alternative means for free speech and expressive activity.

1. Weapons:

Weapons, as proscribed in the University's Weapons on Campus policy (CHA.LM.300.001), are prohibited.

2. Flames and Incendiary Devices:

Fireworks, torches, explosives, blasting agents, denotators and any other incendiary devices are prohibited. Flames, fire, or the burning or igniting of any item is prohibited.

3. Animals:

Animals are prohibited during any exercise of planned or organized free speech. Allowances will be made for service animals.

4. Masks:

Masks, disguises and any other means of concealing one's face or identity are prohibited, except as provided for herein. Nothing in this provision prohibits the wearing of cultural or religious apparel. Students are authorized to wear face coverings/masks where necessary to comply with University policy and public health recommendations intended to prevent or slow the spread of COVID-19.

5. Protective Gear:

The wearing of protective gear, body armor, shields, metal spikes, chainmail or helmets is prohibited.

6. Banners and Signs:

Banners, signs and flags must be held or carried by hand and may not be attached to any metal, wood, pole, PVC pipe or stick of any kind.

7. Sidewalk Chalk and Paint:

Refer to policy DSA.SU.300.004 for guidance on chalking of sidewalks as a way to announce programs, promote events, exchange opinions, share messages, and otherwise express ideas.

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Any questions regarding this policy and related processes may be directed to the AVC or his or her designee.

#### **Right to Privacy DSA.DS.100.002**

Students at The University of Mississippi have the right of privacy with respect to personal information.

The Family Educational Rights and Privacy Act of 1974 (FERPA or the Buckley Amendment) is a federal law that governs access to students' educational records, which are records that contain information directly related to a student that are maintained as official working files by the University. Under FERPA, students have the right to gain access to their educational records, and such access includes the right to inspect and review the records, the right to obtain copies of the records (a copying fee may be charged), and the right to challenge or supplement information on file. Public or "directory" information about a student that may be released to anyone upon request includes the student's name, address, email address, telephone listing, academic major, dates of attendance, awards received, participation in officially recognized activities and sports, and weight and height of a member of an athletic team. Students may request that the University not release directory information by completing a FERPA block form in the University's Registrar Office.

Pursuant to FERPA, once a student reaches 18 or attends a postsecondary institution, parents no longer have access to their children's educational records, unless the student is claimed as a dependent as defined by Section 152 of the Internal Revenue Code of 1986 or the student provides the University with written consent to allow such disclosure. The only exception to this rule is in the case of violations of the University's alcohol and drug policies by students under age 21. In such cases, information regarding the violation may be released to parents, regardless of whether the student is considered a dependent or independent student.

In general, the University will not release information contained in a student's educational records to a third party without written consent of the student.

Prior written consent from the student is not required, however, under the following circumstances:

- If it is directory information and the student has not requested that such information be withheld;
- To the parents of a student classified as dependent under the Internal Revenue Code;
- To the parents of a student who violated the University's alcohol or drug policies;
- To university officials who have a legitimate educational interest;
- To officials at another institution in which the student seeks to enroll;
- In connection with a health or safety emergency if necessary to protect the student or others;
- To financial aid lenders checking the enrollment status for loan purposes;
- To authorized representatives of the:
  - Secretary of the United States Department of Education;
  - Office of the United States Comptroller General;
  - State and Local Education authorities as part of an audit or program review;
- In response to a court order and/or subpoena after reasonable effort to notify eligible student (unless ordered not to contact the student by the Court); or
- To an alleged victim of any crime of violence or non-forcible sex offense, the final results of the University judicial proceeding regarding such an alleged offense.

### **Student Complaints** **DSA.DS.100.003**

Students at the University have the right to complain, whether verbally or in writing, regarding any area of academic or student life without fear of coercion, harassment, intimidation, or reprisal from the University or its employees. Students also have the right to expect a timely response to any complaint.

Defamatory or baseless charges may cause a student to be held responsible for violations of University policies or for action through the courts.

Student concerns should be resolved at the lowest possible University unit that has the authority to act as quickly as practicable. Because no single process can serve the wide range of possible complaints, the University provides specific processes for responding to certain kinds of student complaints. Where University policy provides a specific complaint or grievance procedure, an aggrieved student should use that procedure.

Examples of established procedures for specific types of student complaints:

- University Conduct Process
- Traffic Appeals
- Grade Appeals
- Academic Discipline
- Financial Aid
- Mississippi Residency
- Sexual Harassment
- Discrimination
- Housing
- Scholarships
- Academic Standing
- Conduct (Institutional or Agents of the Institution)

**General Complaint Procedures for Students:**

Students may use the following procedures to formally question the application of any University regulation, rule, policy, requirement or procedure, not otherwise covered by a more specific policy or procedure.

***Step One:***

The student should meet with the University decision-maker concerned to discuss the complaint and to attempt to arrive at a solution. This meeting should occur no later than 30 calendar days after the action which resulted in the complaint.

***Step Two:***

If the student's complaint is not resolved at Step One, that student must, within 14 calendar days of the Step One meeting, submit a written complaint to the next level in the University's administrative structure (department chair, director or his/her designee in the administrative unit within which the complaint originated). The complaint must be signed and dated by the student. The name and title of the person to whom the request should be addressed can be obtained from the employee in Step One.

If the student's issue cannot be resolved by the Step Two administrator by telephone call or email correspondence, he or she shall make a reasonable effort to arrange for a meeting with the student and the employee within 14 calendar days from the date that the request is received. If this timeframe cannot be met, the Step Two administrator will notify all parties in writing and determine a mutually agreeable time. The meeting should be informal, with a candid discussion of the problem in an attempt to find a solution. The Step Two administrator may give an oral decision at the close of the meeting, or he or she may choose to take the matter under advisement. Typically, the Step Two administrator will render a final decision within 14 calendar days, informing all parties of the decision in writing.

**Step Three:**

If the student wishes to appeal the Step Two decision, he or she may appeal to the dean or vice chancellor at the next level in the administrative structure of the University within 14 calendar days from the date of the Step Two written decision. The student may obtain from the employee in Step One or Step Two the name and title of the person to whom the request should be addressed.

The appeal must be in writing, signed and dated. Upon receiving this written appeal, the Step Three administrator will review all information concerning the complaint and appeal and render a written decision within 14 days from the date of receipt of the appeal. The Step Three administrator's decision is final.

The following describes additional steps for students enrolled in University of Mississippi supported distance education programs under the auspices of the State Authorization Reciprocity Agreement also referred to as SARA.

Students who have complaints related to academic or administration actions at The University of Mississippi who have exhausted the avenues described in process included in this policy and who have resolved that the complaint cannot be resolved internally may file a formal complaint with the Mississippi Commission on College Accreditation using the MCCA Student Complaint Form within two years of the incident. Note: this process is not applicable for matters related to student grades or discipline/conduct matters.

In all cases, if the final decision requires any change to an official record of the University, the University employee must comply with all University regulations and procedures necessary to accomplish the change

**Right to Be Secure  
DSA.DS.100.004**

Students at The University of Mississippi have the right to be secure from unreasonable or unauthorized search and seizure.

Students living in property on the University's campus maintain their Fourth Amendment rights guaranteed by the United States Constitution to be free from unreasonable search and seizure of their property by law enforcement officials. However, officials of the University may enter a student's campus residence if such inspection is deemed to be in the best interest of the University, including for the purposes of maintenance, health and safety, or if there is a belief that University policy is being violated. Except in cases involving the service of a legal search warrant or situations relating to fire hazards, mechanical malfunctions, energy consumption, general maintenance of physical facilities, property control, and personal safety of the residents, no student's campus residence may be entered when no occupants are present.

**Participating in Student Organizations  
DSA.DS.100.005**

University of Mississippi students have the right to participate in Registered Student Organizations (RSOs) and conduct social affairs. The activities of RSOs are governed by policies established by the Ole Miss Student Union and the Office of Conflict Resolution and Student Conduct. Responsibility for the conduct

of activities rests with the sponsoring organization. All RSOs are required to adhere to the policies, guidelines, and standards of behavior and conduct outlined by the University.

## **Conduct Rules and Regulations**

### **Smoke-Free/Tobacco-Free Campus Environment DSA.CR.600.001**

#### **Summary/Purpose**

The University of Mississippi is a smoke-free/tobacco-free/electronic smoking device-free environment. Persons Affected: Students, faculty, staff, contractors, visitors

Findings: According to 2006 report of the U.S. Surgeon General, *The Health Consequences of Involuntary*

Exposure to Tobacco Smoke:

- Secondhand smoke exposure causes disease and premature death in children and adults who do not smoke;
- Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer;
- There is no risk-free level of exposure to secondhand smoke; and
- Establishing smoke-free workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke.

The 2010 Surgeon General's report, *How Tobacco Causes Disease*, states that even occasional exposure to secondhand smoke is harmful and low levels of exposure to secondhand tobacco smoke lead to a rapid and sharp increase in dysfunction and inflammation of the lining of the blood vessels, which are implicated in heart attacks and stroke.

The *Health Consequences of Smoking – 50 Years of Progress*, the 2014 report, states that smoke exposure causes stroke in nonsmokers. Furthermore, since 1964, 2.5 million nonsmokers have died from diseases caused by tobacco smoke.

Electronic smoking devices (ESDs), also known as e-cigarettes, present health risks to nonusers as well. Their emissions contain a high concentration of particles and most emit both carcinogenic and toxic substances that cause respiratory distress and disease. (Lerner, C.A., Sundar, I.K., Yao, H., Gerloff, J., Ossip, D.J. McIntosh, S. et al. (2015). Vapors produced by electronic cigarettes and e-juices with flavorings induce toxicity, oxidative stress and inflammatory response in lung epithelial cells and in mouse lung. *PLoS One*, 10(2)).

Additionally, in 2019 an outbreak in lung disease traced to ESD use hospitalized over 2,700 people and caused 64 deaths as of February 2020. (Center for Disease Control, (2019, February). *Outbreak of Lung Injury Associated with the Use of E-Cigarette, or Vaping, Products*. CDC.gov.

Smokeless tobacco, such as snuff, snus, and chewing tobacco, increases the risk of certain cancers, particularly of the cheek, gums, lips, tongue, and floor and roof of the mouth. Some studies have also indicated an increased risk of pancreatic and esophageal cancers among smokeless tobacco users. Other

diseases associated with smokeless tobacco include gum diseases, gum recession, leukoplakia, abrasion and staining of teeth, tooth decay, and tooth loss. (Stoppler, M.C., (2019). Chewing Tobacco (Smokeless Tobacco, Snuff). [Medicinenet.com](https://www.medicinenet.com).

([https://www.medicinenet.com/smokeless\\_tobacco/article.htm#what\\_are\\_the\\_health\\_risks\\_of\\_chewing\\_tobacco](https://www.medicinenet.com/smokeless_tobacco/article.htm#what_are_the_health_risks_of_chewing_tobacco))

### **Intent and Purpose**

In light of these findings, the University of Mississippi's educational mission, the right of nonsmokers to breathe smoke free air, and the desire of University administration to protect the public health and welfare, **the University of Mississippi is declared a smoke-free, tobacco product-free, and ESD-free campus.**

This policy applies to all campuses of the University of Mississippi.

Smoking, Vaping (the use of an ESD), and/or the use of Smokeless Tobacco shall not be permitted in any University facilities, on any University property, or in any University vehicles wherever located and whether owned or leased by the University. University facilities include, but are not limited to, all offices, classrooms, hallways, waiting rooms, restrooms, meeting rooms, community areas, performance venues and private residential space with University housing. Smoking shall also be prohibited outdoors on all University of Mississippi property, including, but not limited to, the Grove, the Circle, the Quadrangle, parking lots, streets, private vehicles, sidewalks, paths, sports/recreational areas, and stadiums. This policy applies to all students, faculty, staff, visitors, contractors, and vendors on campus, regardless of the purpose of their visit.

No exemptions of this policy are allowed.

### **Promotion and Sale of Tobacco Products Prohibited on University of Mississippi Campuses**

In further recognition of the incompatibility of the University's educational mission and the promotion of tobacco products, no advertising of Tobacco Products or sponsorship by manufacturers of Tobacco Products shall be permitted on University of Mississippi property, at University-sponsored events, or in publications produced by the University (although publications produced by third-parties sold legally on University property may contain Tobacco Product advertising). No tobacco brand, logo, trademark, symbol, or slogan may be displayed on University property.

The sale of Tobacco Products on University of Mississippi campuses is prohibited, including from vending machines. No free samples of Tobacco Products may be distributed on University of Mississippi campuses.

### **Definitions:**

- *Electronic Smoking Device (or ESD)* – means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol (“vaping) from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
- *Vaping* – using an Electronic Smoking Device.
- *Smokeless Tobacco* – products such as snuff, snus, chewing tobacco, or dipping tobacco derived from the tobacco plant or other plant and designed to be used in a manner other than by smoking, such as by placing in the mouth, chewing, or sucking.

- *Smoking* – means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. Smoking also includes the use of an Electronic Smoking Device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy.
- *Tobacco Products* – products derived from tobacco, such as cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, snus, dipping tobacco, and Electronic Smoking Devices and the fluids or juices designed to be used in those devices.
- *Hookah* – A water pipe and any associated products and devices which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.

### **Distributions of This Policy**

Signage across campus, and particularly near the entrances to buildings, is provided to remind the campus community of this policy. The Assistant Vice Chancellor of Student Affairs for Wellness and Student Success may also use, from time to time, other means to remind faculty, staff, students and visitors of this policy. Such reminders may include, but are not limited to, banners on the University website, e-mails, student orientation handouts, and verbal reminders during faculty/staff meetings.

### **Respect and Responsibility**

The success of this policy depends on the thoughtfulness, consideration, and cooperation of smokers and non-smokers. All members of the University community share in the responsibility of adhering to and enforcing this policy. Any complaints should be brought to the attention of the University of Mississippi Police Department and anyone who makes a complaint about a violation of this policy shall be protected against retaliation.

The University of Mississippi has the authority to enforce this policy. Visitors, contractors, and other individuals temporarily on campus should be reminded of the policy and asked to comply. Those individuals refusing to cooperate may be asked to leave a facility, event, or the campus, and repeated violations may result in the person being issued a “no trespassing notice” from UPD.

Students who violate this policy will be referred to student conduct and subject to sanctions, including fines. Employees who violate this policy may face employment-related discipline and/or fines.

Questions or comments about this policy may be referred to the Assistant Vice Chancellor for Student Affairs for Wellness and Student Success.

### **Smoking Cessation Programs**

The Student and Employee Pharmacy and Health Services offer a [range of smoking cessation and support programs](#) for any member of the University community who desires to quit smoking or using other tobacco products. University employees who want to quit smoking may be eligible for free counseling, over-the-counter nicotine replacement therapy and smoking cessation prescriptions. For information about these resources, see <http://campusrec.olemiss.edu/smoke-free-campus/>.

## **Alcohol**

### **CHA.AM.100.101**

The University of Mississippi is committed to providing students, employees and visitors a safe, supportive and welcoming environment for all academic, cultural, athletic and social events. As is true on most college and university campuses, many of the offenses committed against people and property at the University are a direct result of Alcohol misuse/abuse. Such behavior interferes with the University's educational mission and shows a lack of respect for one's self, for others within the University community and for the community at large. In furtherance of its educational mission, the University has developed policies and educational materials intended to combat substance abuse, reduce dangerous drinking and promote responsible behavior regarding the consumption of Alcohol.

This policy applies to students, registered student organizations, University faculty and staff, and any other person on University property. This policy applies to the conduct of any registered student organization in connection with an event sponsored by that organization, whether or not the event is on or off campus.

All persons on campus or University property must comply with all applicable law, regulation, IHL and University policy regarding the possession, sale, distribution and consumption of Alcohol.

#### **I. Definitions**

The following terms shall have the following meanings for the purposes of this policy.

"Beer" is any malt beverage no more than 8% alcohol by weight.<sup>1</sup>

"Light Wine" is wine no more than 5% alcohol by weight.<sup>2</sup>

"Alcoholic Beverages" are any alcoholic liquid (excluding "Beer" and "Light Wine") more than (5%) alcohol by weight.<sup>3</sup>

The term "Alcohol" is used throughout this policy as a collective reference to Beer, Light Wine and Alcoholic Beverages.

1: See Miss. Code. Ann. § 67-3-3 (d).

2: See Miss. Code. Ann. § 67-3-3 (e).

3: See Miss. Code Ann. § 67-1-5 (a).

#### **II. Illegal Possession, Consumption and Distribution**

Underaged drinking is unlawful. No person under 21 is allowed to possess, consume, purchase or serve Alcohol on campus or any University property.

No person may buy, sell, serve or otherwise provide Alcohol to anyone under 21.

Alcohol use, even for persons of the legal age limit, is only authorized to the extent that applicable law, regulation, IHL or University policy allow. The distribution of Alcohol without a permit is unlawful and prohibited.

Certain areas, facilities, and buildings on campus are subject to specific limitations regarding the extent to which Alcohol may be lawfully served to persons of legal drinking age through the contracted services of a licensed caterer. Please contact [union@olemiss.edu](mailto:union@olemiss.edu) for the pertinent rules.

**III. False Identification**

It is unlawful to provide false information about your name, age or identity to purchase Alcohol. The use of another person's identification, an altered identification, or a "fake ID" to obtain Alcohol for yourself or others is prohibited.

**IV. High Risk or Rapid Consumption**

Binge drinking, drinking games, chugging contests and rapid consumption techniques, by their nature, promote the abusive use and consumption of Alcohol. These activities, as well as the use of funnels, vaporizers, beer bongs or any other device to ingest Alcohol at a rapid pace are prohibited.

**V. Common Supply**

The University prohibits items that allow for the common supply of Alcohol, including kegs, pony kegs, party balls, barrels and any other containers used to store large amounts of Alcohol.

**VI. Alcohol-Related Misconduct**

Persons intoxicated, impaired or otherwise under the influence of Alcohol are responsible for their conduct, including any damage they may cause to person or property. Disorderly, disruptive or unlawful behavior either attendant to or associated with Alcohol use is prohibited.

**VII. Public Intoxication**

All persons of legal drinking age are required to act and drink responsibly. Public intoxication or being impaired or visibly overcome by the consumption of Alcohol is prohibited.

**VIII. Unattended or Unsecured Alcohol**

Alcohol left in plain view or unattended and unsecured is subject to inspection and may be confiscated and discarded.

**IX. Driving Under the Influence**

Driving under the influence of Alcohol or driving while intoxicated is unlawful and prohibited.

**X. Administrative and Academic Buildings**

The possession and consumption of Alcohol in administrative and academic buildings is prohibited, except and unless served under a lawfully issued permit and in accordance with all applicable law, regulation, IHL and University policy.

**XI. Registered Student Organizations**

Registered Student Organizations may not serve or provide a common supply of Alcohol by purchasing Alcohol with organizational funds or by facilitating the purchase through any other means, including, but not limited to, open bar tabs, the use of personal checking accounts, the pooling of funds or giving one or more members a break on organizational dues or expenses.

The presence of any item that provides for the common supply of Alcohol at an event hosted by or on the property of a Registered Student Organization may be considered evidence of that organization's common supply.

Multiple violations of this policy by students at an event hosted by or on the property of a Registered Student Organization will be presumed to be an alcohol violation by that organization, unless the organization demonstrates that it complied in good faith with the requirements of the policy regarding Registration of Student Organization Activities (DSA.DS.400.004).

## **XII. The Sale of Beer and Light Wine at Ole Miss Athletics Facilities**

As part of the University's continuing effort to prevent excessive or binge drinking, the University has authorized the sale of Beer and Light Wine at certain SEC athletics events and other events and performances held at certain Ole Miss Athletics facilities. These facilities include Vaught Hemingway Stadium, the Pavilion and the Oxford-University Stadium at Swayze Field. The sale of Beer or Light Wine at any Ole Miss Athletics facility must comply with all applicable law, regulation, SEC, IHL and University policy. Although the sale of Beer and Light Wine is authorized, the sale of Alcoholic Beverages, as defined under Miss. Code Ann. § 67-1-5 (a), is prohibited at any Ole Miss athletics event.

### **A. Prohibited Transactions**

No Beer or Light Wine shall be sold, purchased or otherwise provided to an individual below the legal drinking age (21).

No Beer or Light Wine shall be sold to an individual visibly overcome by Alcohol, visibly intoxicated or reasonably believed to be intoxicated. Any alcohol-impaired or intoxicated person(s) may be detained and examined to determine whether medical treatment is necessary to ensure their health and safety.

### **B. Customer Identification**

Every individual who purchases Beer or Light Wine must present a valid, government-issued ID prior to each transaction. The acceptable forms of identification are a valid driver's license, a government-issued identification card, a U.S. Department of Defense military identification card, and a valid passport. Student IDs and University-issued IDs will not be accepted.

### **C. Point of Sale**

Beer or Light Wine may be sold only in certain designated, stationary locations in an Ole Miss Athletics facility. Sales are prohibited in the aisles, premium areas, suites, general seating areas and student sections of any Ole Miss Athletics facility.

Any Beer or Light Wine offered for sale shall be dispensed in University-issued cups.

No more than two cups of any beverage (either Beer or Light Wine) may be sold to one person in one transaction. Any unfinished Beer or Light Wine must be discarded before one exits the athletics facility.

The University reserves the right to refuse to sell Beer or Light Wine to any person, at any time or place.

### **D. Cups, Cans, and Bottles**

All persons are strictly prohibited from throwing cups, cans, or bottles, using them as projectiles or weapons, or otherwise handling them in a way that disrupts or interferes with any SEC athletics event or other events or performances held at an Ole Miss Athletics facility. The range of penalties for any person violating this rule are stated in section XIV below and include detainment or arrest by the police, removal from an athletics facility, and a loss of ticket privileges. Students, registered student organizations, and University faculty and staff may also face University sanctions or disciplinary action, as specified in section XIV.

If cans or plastic bottles are used as projectiles or otherwise cause game management issues (e.g., security concerns or the delay, interference, or disruption of a game) the University is subject to sanctions from the SEC, including fines and a suspension of the University's authority to sell beer and light wine in Ole Miss Athletics facilities.

#### E. "Stop Times"

The SEC has imposed mandatory "stop times" for the sale and distribution of Beer or Light Wine during an SEC athletics event or competition held at an Ole Miss Athletics facility.

The University will enforce the following SEC "stop times" without exception:

- Football: End of the 3rd Quarter
- Men's Basketball: Second Half 12-Minute TV Timeout
- Women's Basketball: End of the 3rd Quarter
- Baseball: End of the top of the 7th inning
- Softball: End of the top of the 5th inning
- Other Sports: At a designated time, no later than when 75% of regulation length competition is scheduled to be completed

#### **XIII. The Inn at Ole Miss**

In accordance with the permits and a license issued by the Mississippi Department of Revenue, the Ole Miss Alumni Association offers Alcohol for sale at the Inn at Ole Miss to persons of legal drinking age with a valid ID. While the SEC's requirements for the sale of Beer and Light Wine do not apply to the Ole Miss Inn, all sales at the Inn are governed by applicable law and regulation. As such, this policy applies to the conduct of any students, registered student organizations, University faculty and staff in connection with the sale or consumption of Alcohol at the Ole Miss Inn.

#### **XIV. Possible Sanctions, Discipline or Punishment**

The conduct prohibited by this policy may be unlawful in certain instances. As such, any person who violates this policy risks detainment by the police, arrest, criminal prosecution or civil liability.

In addition to the above punishment, students, registered student organizations and University faculty and staff who violate this policy are subject to University sanctions or disciplinary action, including suspension, expulsion or termination. See, e.g., Alcohol and Other Drugs Sanctioning Policy, DSA.SC.300.025; Game Day and Game Day Activities and Events, DSA.SC.200.095.

As part of its duty to protect the health and safety of all persons on campus, the University reserves the right to impose additional penalties on anyone who violates this policy. These penalties include, but are not limited to, revoked ticket privileges, restricted or revoked access to University property or athletics events.

### **Drugs and Drug Paraphernalia CHA.AM.100.102**

Drug use, including the misuse of prescription drugs, unfortunately is a prevalent problem at college and university campuses, and The University of Mississippi has not been spared. The University unequivocally prohibits the use and possession of drugs on its campus.

The specifics of the drug policy are outlined below.

1. Possession, Use, and Sale of Drugs and Drug Paraphernalia

- a. The University of Mississippi prohibits the use, possession, distribution, sale, manufacture, and delivery of illicit drugs including the misuse of prescription medications, by members of its community. Illicit drugs, including prescription drugs for which the person does not have a valid prescription, are subject to confiscation.
- b. The University of Mississippi also prohibits the possession, sale, and distribution of drug paraphernalia (including, but not limited to, pipes, bongs, roach clips, rolling papers, etc.). These items are strictly prohibited and are subject to confiscation.

Violation of this policy will result in disciplinary action and students may also be subject to criminal prosecution and/or civil liability.

2. The University of Mississippi also prohibits behavior that is a direct result of drug consumption, use, or abuse. Any student found to be visibly overcome by the use of drugs will be found in violation of University policy.
3. Information regarding a student's violation of the University's drug policy may be released to that student's parents, if the student is under 21 years of age.

### **Presentation of University ID DSA.SC.200.001**

In order to identify community members, the University issues each student an identification card at the time of enrollment. Students must be in possession of their University identification cards at all times, and they may be asked to present their identification cards to enter and/or participate in University sponsored events.

Students at the University of Mississippi are required to present their University identification to authorized University personnel upon request. Examples of authorized University personnel include, but are not limited to, the following: University Police Officers, security officials, faculty, staff, and residence hall staff. Students who fail to present University identification to any University official may be subject to conduct charges and proceedings.

Any misuse of a student identification card by its holder, or the use or attempted use by another person, may result in cancellation of privileges and/or conduct charges and proceedings. The loss or theft of student identification cards should be reported immediately to the I.D. Center, and a replacement card will be issued (a fee may be charged for this service).

### **Fraud or False Identification DSA.SC.200.005**

Students at the University of Mississippi will demonstrate integrity by refraining from altering, falsifying, or misusing student documents or University documents, records, or forms of identification. Students will also refrain from misusing any state-issued or federally-issued identification (i.e., driver's license), including possessing a fake or fictitious identification, or possessing identification belonging to someone other than themselves.

Additional examples of fraud include, but are not limited to, the following: providing false information to the University, forgery, unauthorized alteration of any official documentation, misuse of a University official's signature, misuse of University parking permits, misrepresenting one's identity, inappropriate use of a student identification card, misuse of information technology user id's and/or passwords, fraudulent misrepresentation or concealment of one's organizational affiliation(s) or sponsorship(s). Unauthorized use of the name of the University or the names of members or organizations in the University community is also considered fraud. Students who act inconsistently with this value and policy will be subject to conduct charges and proceedings.

### **Disregard for University Authority DSA.SC.200.010**

University officials at the University of Mississippi are dedicated to nurturing excellence in intellectual inquiry. When University officials are acting within the scope of their employment, students at the University are expected to comply with reasonable requests and to refrain from interfering with such requests. Examples of behavior that are inconsistent with this value and policy are the following:

1. failing to comply with reasonable and lawful directions or requests of university officials, including, but not limited to, campus police officers, security officials, faculty, and residence hall staff;
2. failing to comply with a written notice to appear during any investigation, conduct proceeding, or appeal procedure;
3. falsifying, distorting, or misrepresenting information before a hearing body or any university official prior to or during any investigation, conduct proceeding, or appeal procedure;
4. refusing to respond to questions posed during any investigation, conduct proceeding, or appeal procedure; in addition to disregard for university authority, such refusal during a hearing also may lead to an adverse inference by the hearing body concerning the subject matter of the question posed, and this adverse inference, if applicable, may be one factor (but not the sole factor) considered by the hearing body in making its decision;
5. disrupting or interfering with any investigation, conduct proceeding, or appeal procedure;
6. attempting to discourage an individual's proper participation in, or use of, conduct, complaint, or grievance processes;
7. attempting to influence the impartiality of a member of a conduct board or hearing body, the charging party, a witness, or victim prior to, during the course of, or after the conduct or other similar University proceeding;
8. harassing (verbal or physical) and/or intimidating a member of a conduct board or hearing body, the charging party, a witness, or victim prior to, during the course of, or after the conduct or other similar University proceeding;
9. failing to comply with or violating the terms of conduct sanction(s);
10. influencing or attempting to influence another person to abuse conduct, complaint, or grievance processes;
11. intentionally or recklessly submitting false accusations or charges through any university conduct, complaint, or grievance process; and
12. attempting to bribe or influence another person with an offer of money, gifts, or services to perform an act or provide a service contrary to university policy.

Students who act inconsistently with this policy may be subject to conduct charges and proceedings.

**Disorderly Conduct**  
**DSA.SC.200.015**

As voluntary members of the University, students will not engage in behavior that disrupts the academic, research or service mission or activities of the University, or disrupt any activity or event of the University community. Some examples of behavior that are inconsistent with this responsibility include, but are not limited to, the following: conduct which causes a breach of the peace; lewd, obscene or indecent conduct; conduct which interferes with or disrupts activities or functions sponsored or participated in by the University or by members of the University community; interfering with or obstructing pedestrian or vehicular traffic; obstructing or interfering with ingress or egress of campus buildings or facilities; conduct which interferes with the rights of others; unauthorized use of electronic or other devices to take a phone or make an audio or video record of any person without his or her expressed or implied consent when such recording will demonstrate a lack of the respect for the dignity of another by being likely to cause injury or distress. Students who act inconsistently with this value and policy will be subject to conduct charges and proceedings.

**Assault and Battery**  
**DSA.SC.200.020**

Students will demonstrate respect for the dignity of each person by refraining from conduct that physically harms, or attempts to harm, another. Examples of behavior that are inconsistent with this value include, but are not limited to, the following: purposely, knowingly, or recklessly causing, or attempting to cause, bodily harm to another; purposely, knowingly, or recklessly placing another in fear of serious bodily harm; and intentional, reckless, or negligent conduct that threatens, or endangers, the health or safety of others. Students who act inconsistently with this value and policy will be subject to conduct charges and proceedings. In addition to the University conduct process, the University of Mississippi provides a mechanism to address grievances that may arise over sexual harassment (including sexual assault and relationship violence) or alleged discrimination on the basis of race, sex, religion, veteran's status, age, national origin, or disability as prohibited by Title VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and Sections 503 and 504 of the Rehabilitation Act of 1973. Incidents of harassment should be reported to the Office of Conflict Resolution and Student Conduct and/or the Office of Equal Employment and Regulatory Compliance.

**Discrimination, Harassment, and Retaliation**  
**DSA.SC.200.025**

The University of Mississippi is committed to equal opportunity in all facets of its university operations, including but not limited to, admissions, recruitment, financial aid, student services, student discipline, housing, athletics, and employment. To that end, multiple University policies prohibit unlawful discrimination and harassment on the basis of race, color, gender, sex, pregnancy, sexual orientation, gender identity or expression, religion, citizenship, national origin, age, disability, veteran status, and genetic information. These policies include the University's Title IX policy (ACA.EO.100.012), the Interpersonal Violence and Sexual Misconduct policy (ACA.EO.100.022), and the Non-Discrimination and Sexual Harassment Policy and Complaint Procedure (ACA.EO.100.005). The aforementioned policies likewise prohibit retaliation against any persons, including students, who report or participate in an investigation or grievance proceeding involving alleged discrimination or harassment.

Students have a continuing obligation to refrain from discrimination, harassment and retaliation proscribed by University policy and applicable law. Students and other persons in our University community are entitled to a campus culture and environment free of unlawful conduct that unreasonably limits or interferes with one's ability to participate in or benefit from one of the University's educational programs, services, resources, or opportunities.

Any student who believes they have, or knows someone who has, experienced discrimination on the basis of sex, including sexual harassment, retaliation, or sexual assault, (e.g., rape, sodomy, sexual assault with an object, stalking, fondling, incest, statutory rape, dating or domestic violence), is encouraged to report the allegations to the University's Title IX Office or the Equal Opportunity & Regulatory Compliance Office. Students are encouraged to report any other form of discrimination, harassment, or retaliation to the Office of Conflict Resolution and Student Conduct.

The pertinent contact information for each office is stated below.

**Equal Opportunity and Regulatory Compliance**

120 Lester Hall  
P.O. Box 1848  
University, MS 38677  
(662) 915-7735  
[eeo@olemiss.edu](mailto:eeo@olemiss.edu)

**Title IX Office**

120 Lester Hall  
P.O. Box 1848  
University, MS 38677  
(662) 915-7045  
[titleix@olemiss.edu](mailto:titleix@olemiss.edu)

**The Office of Conflict Resolution and Student Conduct**

100 Somerville Hall  
P.O. Box 1848  
University, MS 38677  
(662) 915-1387  
[studentconduct@olemiss.edu](mailto:studentconduct@olemiss.edu)

Depending on the nature of the allegations, the claims may be investigated under this policy, the University's Title IX policy, Interpersonal Violence and Sexual Misconduct policy, or the Non-Discrimination and Sexual Harassment Policy and Complaint Procedure.

**Hazing  
DSA.SC.200.035**

Students and student organizations at the University of Mississippi will exercise integrity and respect for the dignity of each person by refraining from the act of hazing in any form. According to [hazingprevention.org](http://hazingprevention.org), hazing is any action taken or situation created, regardless of the person's willingness to participate, that causes embarrassment, harassment, ridicule, or risks emotional and/or physical harm to members of a group or team

Examples include, but are not limited to, the following:

- Requiring new members/rookies to perform duties not assigned to other members
- Socially isolating new members/rookies
- Line-ups and drills/tests on meaningless information
- Expecting certain items to always be in one's possession
- Asking new members to wear embarrassing or humiliating attire
- Expecting new members/rookies to perform personal service to other members such as carrying books, errands, cooking, cleaning etc.
- Sleep deprivation
- Forced or coerced alcohol or other drug consumption
- Forced or coerced ingestion of vile substances or concoctions
- Expecting illegal activity

In addition to sanctions from the University conduct system, students and organizations who participate in or condone hazing may subject themselves to criminal prosecution and/or civil liability.

### **Respect for Property DSA.SC.200.040**

As good stewards of resources, students at the University of Mississippi will abstain from the willfully abusing or damaging the property of others or the University. Examples of behavior that are inconsistent with this value include, but are not limited to, littering, vandalism, or defacing University property or the property of students, faculty, staff, and guests. It is expected that all members of the University community will treat the property of the University and of others with respect. Students will be held responsible for any destruction or damage to University or personal property and may face University conduct charges, as well as criminal and/or civil liability.

### **Theft DSA.SC.200.045**

As good stewards of resources, students at the University of Mississippi will honor the property rights of others. Examples of behavior that are inconsistent with this value include, but are not limited to, theft, attempted theft, identity theft, unauthorized possession of property of another, and possession, retention, or disposal of stolen property. Students who act inconsistently with this value and policy may be subject to conduct charges and proceedings, as well as criminal and/or civil liability.

### **Arson, Explosive Devices, and Emergency Equipment DSA.SC.200.050**

The unauthorized setting of fires, use of explosive devices, and misuse of emergency equipment are prohibited at The University of Mississippi. Below is a nonexclusive list of prohibited action under this policy.

1. The University prohibits the attempt to set, the setting of, or the adding to unauthorized fires on

University property.

2. Any student found willfully to have tampered with, damaged, or misused any fire protection equipment, initiated a false alarm, negligently discharged a fire extinguisher, or set fire in a residence hall or any other facility on the University campus may be expelled from the University and held responsible for the cost of all damages. In addition to disciplinary action through the University conduct system, students and/or their nonstudent guests who engage in such activity may be subject to criminal prosecution and civil liability.
3. Occupants of all University facilities have a responsibility to follow the directions and directives of the chief of the Oxford Fire Department, or a designated representative, and University personnel during fire emergencies as well as unannounced fire drills and practice evacuations. The failure or refusal to cooperate will constitute a breach of regulations and is subject to disciplinary action.
4. The University prohibits the possession, use, or threatened use of explosive devices, materials, or chemicals, including, but not limited to, firecrackers, cherry bombs, bottle rockets, and dynamite.
5. Any student found willfully to have tampered with, damaged, or misused any campus emergency protection equipment or initiated a false alarm may be expelled from the University and held responsible for the cost of all damages. In addition to disciplinary action through the University conduct system, students and/or their nonstudent guests who engage in such activity may be subject to criminal prosecution and civil liability.

Students who act inconsistently with this policy and values identified in this policy will be subject to conduct charges and proceedings.

### **Campus Weapons Policy CHA.LM.300.001**

Under state law, it is a felony in certain instances to possess a firearm, pistol, shotgun, rifle, or other weapon on the University of Mississippi campus or on any property owned by or controlled by the University ("the University Campus"). Firearms and other weapons are prohibited, except as specified in this policy.

For the purposes of this policy, a weapon is any dangerous instrument used, attempted or threatened to be used, or is readily capable of being used to cause death or serious physical injury, including but not limited to the following: any gun, shotgun, rifle, pistol or other firearm, any device from which a shot, projectile, or other object may be discharged by force (whether operable or inoperable, loaded or unloaded), nooses, sticks, poles, pipes, "nun-chucks," blackjacks, leaded canes, brass or metallic knuckles, bowie knives, dirk knives, butcher knives, switchblade knives, daggers, blades, machetes, swords, hatchets, metal spikes, bow and arrows, slingshots, metal darts, razors and razor blades (except as used for personal grooming), "BB guns," "air rifles," "air pistols," pellet guns, paint ball guns, laser pointers, fire, dynamite, dynamite cartridges, bombs, grenades, torches, gun powder, firecrackers, fireworks, mines or powerful explosives, and any other pyrotechnic, incendiary or explosive devices.

The possession of pistols, firearms, or other weapons in any form by any person other than duly authorized law enforcement officials, institutional security officials, and other authorized persons is prohibited on campus and at institutional off-campus events. The term "other authorized persons" includes those individuals authorized by applicable law and by the institutional executive officer or his/her designee. "Other authorized persons" also includes those individuals who have in their possession a valid,

unexpired state enhanced concealed carry firearms permit or the equivalent permit issued by a state with a reciprocity agreement with Mississippi. Even so, those individuals possessing such enhanced concealed carry permits are not permitted to possess firearms in any non-public institutional locations. Students and employees are not authorized to possess firearms on institutional property or at institutional off-campus events regardless of possession of firearms permits. Possession of firearms is prohibited in locations where same is prohibited by applicable federal law, regardless as to whether those locations are designated as public or non-public.

Public campus locations include:

1. Museums (other than classrooms),
2. Student Union (other than classrooms),
3. Library (other than classrooms),
4. Dining facilities,
5. Recreation centers (other than classrooms and athletic event venues),
6. Student health centers, and
7. Any other locations not designated as “non-public/sensitive”.

Non-public campus locations include:

1. Academic classrooms,
2. Administrative, faculty and staff offices,
3. Intercollegiate athletic event venues,
4. Residence halls, fraternity and sorority houses,
5. Laboratories and research facilities,
6. Ticketed events (concerts, speakers, etc.),
7. Patient care areas within a student health center,
8. Areas/locations within a student health center containing radiological source materials or flammable/combustible gases or chemicals,
9. Areas/locations within a student health center containing confidential student and/or patient records,
10. Preschool/Daycare facilities, and
11. Areas or locations in which student conduct proceedings are held.

Members of the Ole Miss Women’s Rifle Team may possess and use weapons sanctioned for their sport at the Ole Miss Rifle Center as may competing teams.

No person may possess a gun, shotgun, rifle, pistol or other firearm on campus while engaged in any type of criminal activity, or while consuming or under the influence of alcohol or drugs, regardless of whether the individual possesses an Enhanced Carry Permit. An individual with an Enhanced Carry Permit may not brandish, exhibit or display a firearm in a threatening manner. The discharge of any firearm on campus is strictly prohibited.

To ensure the safety of all persons on its campus, to protect University property and to ensure no disruption of its educational mission, the University also prohibits the wearing of masks, disguises and other means of concealing one’s identity. The wearing of protective gear, such as body armor, shields and chainmail is also prohibited.

Violation of this policy may subject one to criminal liability, immediate removal from campus, campus events or facilities, or other disciplinary action, including termination or sanctions under the University conduct system.

### **Unauthorized Entry DSA.SC.200.060**

The University of Mississippi prohibits the unauthorized entry to or use of a University facility and/or property.

This rule prohibits, but is not limited to, the following:

1. Unauthorized entry into or presence in University buildings or facilities or areas of buildings that are locked or closed to the student body and the public;
2. Failure or refusal to leave University grounds, or a specific portion thereof, or a University facility when requested by an authorized University official; or
3. Improper or unauthorized entry into a campus residence or University office.

### **Responsibility for Guests DSA.SC.200.065**

Students at the University of Mississippi have the responsibility to ensure that their guests on campus behave in a manner consistent with the community values and policies of the University of Mississippi. Students may be held responsible for the actions of their guests, including facing conduct charges, when a guest violates university policy.

### **Noise Violations DSA.SC.200.070**

The University of Mississippi restricts noise or sound, whether amplified or not, that causes a disturbance to reasonable persons in the area, disrupts the academic, research or service activities or mission of the University, or disrupts any activity or event of the University community. There may be places and times at the University where this policy is more restrictive, i.e., within the residence halls during quiet hours. Whether a warning is given for such a violation is at the discretion of the University official addressing the situation.

#### **Amplified Sound on Campus**

There shall be no outdoor amplified sound at any gathering, social or other event unless it is a University of Mississippi sponsored activity or it is approved by the Office of the Dean of Students, Student Programming Board, or other University administrative office. The University of Mississippi prohibits the disruption or disturbance of the University community by unreasonably loud amplified sound. Any initial violation of this policy will result in a warning to conform to the appropriate sound level, and a second violation will result in disciplinary action.

### **Title IX Policy ACA.EO.100.012**

The University of Mississippi adheres to the guidelines set forth by Title IX of the Education Amendments of 1972. Title IX prohibits discrimination based on sex in educational programs and activities. Prohibited conduct under Title IX also includes sexual harassment and sexual assault. Title IX protects students,

faculty, and staff alike, and applies to both men and women. This Policy is implemented and enforced in compliance with applicable law including: Title IX of the Education Amendments of 1972; the relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; and other applicable federal and state laws. The University also follows all intervention and crime reporting requirements for Title IX violations under applicable law.

Title IX violations in any form will not be excused or tolerated. The University adheres to effective, equitable, and fair procedures to investigate and adjudicate Title IX complaints. The University reinforces its Title IX Policy by educating the University community on the importance of recognizing, reporting, and effectively responding to all forms of prohibited conduct. Special emphasis is placed on the rights, needs, and privacy of both parties to a Title IX complaint. The University's Title IX Office operates in an impartial and unbiased manner and does not advocate on behalf of either party. The University also adheres to all federal, state, and local requirements for intervention and crime reporting related to Title IX violations.

The University employs a Title IX grievance process that rests on fundamental notions of fairness and due process protections so that determinations as to responsibility made at the conclusion of its grievance process are founded on facts and evidence. There is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

#### **Purpose of Policy**

The University of Mississippi is committed to fostering an environment that prevents sex-based discrimination, sexual harassment, and other unwelcome sexual conduct involving its employees, students, applicants for admission or employment, visitors to campus, or third parties who are participants in an educational program or activity of the University. Students, faculty, and staff should be able to live, study, and work in an environment free from sexual misconduct. The purpose of this Policy is to provide students, faculty, and staff notice of the rights and protections afforded to them under Title IX and their continuing obligation to respect the dignity of each person by refraining from prohibited behaviors. This Policy outlines prohibited conduct, including unlawful discrimination based on sex and sexual harassment.

#### **Discrimination and Disparate Treatment**

Title IX prohibits discrimination based on sex that effectively denies an individual access to an educational program or activity of the University. Both men and women are protected from sex-based discrimination and sex-based harassment.

Prohibited sex-based discrimination and harassment includes, without limitation, discrimination or harassment based on gender, pregnancy or childbirth. As mandated by Title IX and its implementing regulations, the University does not discriminate on the basis of sex in its educational programs or activities, admissions, or employment. Educational decisions that cannot be based on sex include, without limitation, decisions relating to: admission; financial aid; academic advising and instruction; class assignments; evaluation and grading; discipline; housing; athletics; health and counseling services; recreational, residential, or extracurricular services or programs; and participation and status in any University program or activity, whether on or off campus.

Employees, students, applicants for admission or employment, or other participants in University educational programs or activities who believe they have been discriminated against are entitled to seek

relief through the Equal Opportunity and Regulatory Compliance Office or the Title IX Coordinator. Questions about the application of Title IX should be referred to the Title IX Coordinator.

### **Sexual Harassment and Other Sexual Misconduct**

Pursuant to Title IX, the University of Mississippi prohibits sexual harassment and other forms of unwelcome sexual contact that occurs within the University's educational programs or activities in order to protect students, faculty, staff, and the University community as a whole. Sexual misconduct may vary in its severity and consists of a wide range of behaviors. These behaviors are serious violations and represent a threat to the safety of the University community.

The requirements of this Policy apply regardless of the sexual orientation and/or sexual identity of the individuals engaging in sexual activity. The following sexual misconduct violates Title IX, as well as the University's community standards and values of respect, civility, and personal integrity. The conduct may also be unlawful under applicable state or federal law.

Under Title IX, **sexual harassment** means either:

- (1) an employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- (2) unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an educational program or activity of the University; or
- (3) sexual assault, dating violence, domestic violence, or stalking, as defined below.

- **Rape** is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. Carnal knowledge exists if there is the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).
- **Sodomy** is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual assault with an object** is the use of an object or instrument to penetrate, without the consent of the victim, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical disability. An "object" or "instrument" is anything used by the offender other than the offender's genitalia, e.g. a finger, bottle, stick.
- **Fondling** is the touching of the private body part of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical disability.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** is intercourse with a person who is under the statutory age of consent.
- **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship,

(ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

- **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the applicable jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- **Stalking** is a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for his or her safety or the safety of others; or (ii) suffer substantial emotional distress.

The University's definitions are adopted from the Title IX regulations, promulgated by the Department of Education, and from the FBI's Uniform Crime Reporting Program.

### **Consent**

For the purposes of this Policy, consent between two or more people is defined as an affirmative agreement – through clear actions or words – to engage in sexual activity. The person giving the consent must act knowingly, freely, voluntarily, and with an understanding of his or her actions when giving the consent. This definition of consent is premised on the idea that all persons in our University community have the right to feel respected, acknowledged, and safe during sexual activity.

Nonconsensual sexual activity is prohibited under Title IX and this Policy and requires a showing that a participant knew or reasonably should have known that the other party did not consent to the sexual activity.

A person who willingly participates in sexual activity is responsible for obtaining consent for that sexual activity. Consent must be present throughout the sexual activity. Consent can be withdrawn by any participant at any time during the sexual activity. Accordingly, a participant to sexual activity can revoke consent through actions, conduct, or behavior that communicates that he or she no longer wishes to continue the existing sexual activity. Once consent is withdrawn, the sexual activity must cease immediately.

Although consent can be non-verbal (e.g. nodding), consent should never be assumed or inferred from silence, passiveness, or a lack of resistance. A lack of protest or the failure to resist does not constitute consent. If there is confusion as to whether anyone has consented or continues to consent to sexual activity, it is essential that the participants stop the activity until the confusion can be clearly resolved and consent is obtained. No sexual activity should occur without consent.

Consent to engage in a particular sexual activity with an individual is not consent to engage in all sexual activity with that individual, and consent to engage in a sexual activity with an individual on one occasion is not consent to engage in sexual activity at a later time.

Consent to engage in sexual activity with one person is not consent to engage in sexual activity with any other person.

Consent cannot result from force, or threat of force, coercion, fraud, or intimidation. The use of force or threat of force to induce consent violates this Policy whether the force is physical in nature, violent, or involves threats, intimidation or coercion.

- **Physical force** includes but is not limited to: hitting, kicking, and restraining. Physical force may also involve physically exerting control of another person through any form of violence.
- **Threats or threatening** behavior exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual activity to which he or she otherwise would not have consented.
- **Intimidation** is an implied threat. Intimidation exists when a reasonable person would feel threatened or coerced even though there may not be any threat made explicitly or physical force. Intimidation is evaluated based on the intensity, frequency, or duration of the comments or actions.

### *Incapacitation and Age of Consent*

An incapacitated person lacks the ability to make a voluntary, informed, rational decision about whether to consent to sexual activity. A person may be incapacitated as a result of the consumption of alcohol or other drugs, because of sleep, unconsciousness, or due to a physical or mental impairment or health condition. It is a violation of this Policy to engage in sexual activity with someone that you know, or reasonably should know, is incapacitated.

A person who is unconscious, unaware, or otherwise physically helpless cannot give effective consent to sexual activity. Someone who is incapacitated when he or she engages in sexual activity when he or she cannot understand or appreciate who, what, when, where, why, or how with respect to the sexual interaction.

People manifest signs of incapacitation differently. Signs of incapacity may include but are not limited to slurred or incomprehensible speech, a fixed gaze, incoherence, an unsteady manner of walking or the inability to walk or stand up straight, combativeness or emotional volatility, vomiting, or incontinence.

Age can be a form of incapacitation that renders a person unable to give consent. Under state law, a person between the ages of fourteen (14) and sixteen (16) lacks the legal capacity to consent to sexual intercourse with an individual seventeen (17) years or older, where that individual is at least thirty-six (36) months older than the person. Similarly, a student under the age of eighteen (18) lacks the legal capacity to consent to sexual activity with a person in a position of trust or authority over the student, including, without limitation, the student's teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader or coach.

If a person is unsure about the presence of consent or incapacitation, the safe thing to do, with respect to a sexual interaction, is to forego the sexual activity. A party may not assert his or her own intoxication as grounds for being unable to recognize that another person was either incapacitated or did not otherwise give consent.

### **Reporting an Alleged Title IX Violation**

Community members who believe they have, or believe someone they know has, experienced a potential Title IX violation may submit a report in writing, in person, by mail, by telephone, by electronic mail, or by any other means that results in the Title IX Coordinator receiving the report.

Title IX reports can be made at any time, including after business hours and on weekends, and by any person. The Title IX Coordinator can be reached by telephone at (662) 915-7045, by emailing the Title IX Office at [titleix@olemiss.edu](mailto:titleix@olemiss.edu), or on campus at 120 Lester Hall. Additional contact information for the Title IX Coordinator is provided at the end of this Policy.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the report. Such a report may be made at any time.

The **complainant** is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. The **respondent** is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Reporting a Title IX violation is not the same thing as filing a formal complaint. For more information on how to file a formal complaint, please see the Filing a Formal Complaint section below.

Employees who are notified of an alleged Title IX incident or allegations of sexual harassment must report the incident to the Title IX Coordinator immediately (no later than two calendar days). Employees include all University faculty and staff, except those who work or volunteer in the on campus U Matter: Student Support and Advocacy Office or Violence Intervention and Prevention Services, and those with a statutory privilege, including but not limited to those providing counseling or healthcare services through the University Counseling Center, Student Health Services, and/or Psychological Services Center. Those University employees who work or volunteer in the University Counseling Center, Student Health Services, and/or Psychological Services Center are considered confidential employees for the purposes of this Policy. Confidential employees are not required to report an alleged incident to the Title IX Coordinator unless there is a reasonable threat to campus safety. However, those employees with a mandatory obligation under University policy or applicable law to report Title IX allegations to the Title IX Coordinator must do so, even where an individual requests confidentiality.

While maintaining confidentiality, employees and staff within Violence Intervention and Prevention Services or the U Matter: Student Support and Advocacy Office must report the nature, date, and general location of an incident to the Title IX Coordinator, along with a list of any supportive measures that were provided. This limited report – which includes no information that would directly or indirectly identify the student – helps keep the Title IX Coordinator informed of the general extent and nature of the alleged sexual violence on and off campus so the Coordinator can track patterns, evaluate the scope of the problem, if any, and formulate appropriate campus-wide responses, if necessary. This limited report also helps ensure that the University is in compliance with Title IX.

Although the Violence Intervention and Prevention Services staff and the U Matter: Student Support and Advocacy staff generally maintain a person’s confidentiality and privacy within the University, they may have certain reporting or other obligations under state or federal law, including an obligation to respond to lawfully issued subpoenas. If the Violence Intervention and Prevention Services staff or U Matter: Student Support and Advocacy staff believe that an individual may pose a serious and immediate threat to the University community, the University Police Department should be informed so that it can determine if a timely warning to the University community is appropriate. Any such warning should not include any information that identifies the person reporting the information.

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs,” or other forums in which students disclose incidents of sexual violence, are not considered reports or formal complaints for the purposes of Title IX, nor are such events and forums notice to the University of sexual violence for purposes of triggering its obligation to investigate any particular

incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about students' Title IX rights at these events.

Students are encouraged to immediately seek medical attention and contact the University Police Department at (662) 915-7234 if they believe they have been sexually assaulted. Students are strongly encouraged to seek medical attention even if they do not wish to pursue criminal charges or otherwise pursue a complaint under this Policy.

### **Supportive Measures**

Supportive measures are non-disciplinary, non-punitive, individualized services offered by the University as appropriate, as reasonably available, and without fee or charge, to either party before or after the filing of a formal Title IX complaint, or where no formal complaint has been filed. Such measures are designed to restore or preserve access to the University's educational programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the University's educational environment, and deter sexual harassment.

Supportive measures may include, but are not limited to:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence
- Temporary residence in a University safe room
- Parking accommodations
- Increased security and monitoring of certain areas of the campus
- Other similar measures

The University must maintain as confidential any measures provided to either party to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. As such, any potential party seeking supportive measures from the University may contact the Title IX Coordinator. Alternatively, an individual who has filed a formal complaint or is considering filing a complaint may seek supportive measures through Violence Intervention and Prevention Services, while an individual who is responding to a formal complaint may seek supportive measures through U-Matter: Student Support and Advocacy.

### **Violence Intervention and Prevention Services**

[Violence Intervention and Prevention Services](#) at the University of Mississippi is an on-campus resource that promotes awareness of the realities of sexual assault, relationship violence, stalking, and other forms of sexual misconduct. This program also provides education and training to students, faculty, and staff concerning these topics. Additionally, Violence Intervention and Prevention Services serves as confidential advocacy to assist Title IX complainants and potential complainants of sexual misconduct and other interpersonal violence, and as a liaison between the University of Mississippi and local resource groups.

The University is committed to an environment where all members utilize bystander intervention to prevent and end violence on campus and in the community. The University presents programming on

prevention of sexual misconduct, relationship violence, and stalking to all students, staff and faculty at orientation and throughout the year. The University also educates all its members on awareness and intervention related to sexual misconduct, relationship violence and stalking. Education includes University policy, state criminal laws, Title IX and federal laws, the impact of trauma, how to recognize and respond to incidents and the importance of reporting incidents. The University mandates training for all incoming students to increase awareness and foster prevention. The University also mandates training for all staff and faculty.

Individuals who work or volunteer in Violence Intervention and Prevention Services, including front desk staff and students, can generally talk to a complainant without revealing any personally identifying information about an incident to the University. A complainant can seek assistance and support from these individuals without triggering a reporting obligation or a University investigation that could reveal the complainant's identity or that the complainant has disclosed the alleged incident.

For a listing of available resources, please visit the website <http://umsafe.olemiss.edu>. To request an educational program or for further assistance, please contact Violence Intervention and Prevention Services at (662) 915-1059.

### **UMatter: Student Support and Advocacy**

The UMatter: Student Support and Advocacy Office at the University of Mississippi is an on-campus resource that serves as the official office for finding resources and information on how students can care for themselves and their peers when in distress. The UMatter: Student Support and Advocacy Office also serves as a confidential advocate to assist respondents and those alleged to have committed sexual misconduct, and as a liaison between the University of Mississippi and local resource groups. The UMatter: Student Support and Advocacy Office operates under the

presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX grievance process.

For a listing of available resources, please visit the website <http://umsafe.olemiss.edu>. For further assistance, please contact the [UMatter: Student Support and Advocacy Office](#) at (662) 915-7248.

### **The Grievance Process for Sexual Harassment**

The following grievance process is to be used only for Title IX complaints involving sexual harassment and not for complaints involving disparate treatment. For discrimination based on sex that does not implicate Title IX sexual harassment, please see the University's Non-Discrimination and Sexual Harassment Policy at ACA.EO.100.005.

### **Filing a Formal Complaint**

The **complainant** is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. The **respondent** is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Under this Policy, a complainant may file a formal complaint for sexual harassment against a respondent.

A **formal complaint** is a document alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment. For the purposes of this Policy, "document" means a document or electronic submission (such as by electronic mail) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the following contact information provided for the Title IX Coordinator:

**Honey Ussery**

Assistant Director of Equal Opportunity & Regulatory Compliance Title IX Coordinator

University of Mississippi Post Office Box 1848 120 Lester Hall

P: (662) 915-7045

F: (662) 915-1229

[hbussery@olemiss.edu](mailto:hbussery@olemiss.edu)

[titleix@olemiss.edu](mailto:titleix@olemiss.edu)

Complainants may file a formal complaint without meeting with the University's Title IX Coordinator in person, so long as the complaint: (i) contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the formal complaint, (ii) alleges sexual harassment against the respondent, and (iii) requests that the University investigate the allegations. Additionally, at the time of filing a formal complaint with the University's Title IX Office, the complainant must be participating in or attempting to participate in a University of Mississippi educational program or activity.

Any individual seeking to file a formal complaint or looking to explore the option of filing a formal complaint should contact the Title IX Coordinator.

For information on how to make a report of sexual misconduct or relationship violence with the Title IX Coordinator, please see the Reporting an Alleged Title IX Violation section above.

There are two situations in which the University may initiate its grievance procedures: (i) where a formal complaint has been filed by a complainant, or (ii) where the Title IX Coordinator has decided to initiate the grievance process on behalf of the University after making a determination that an investigation is objectively warranted.

***A Formal Complaint Signed by The Title IX Coordinator***

The Title IX Coordinator may sign a formal complaint against a respondent. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to the grievance process contemplated by Title IX and must comply with the requirements of the grievance process outlined in this Policy.

Any decision to initiate the Title IX grievance process in situations where the complainant does not want an investigation or where the complainant intends not to participate is made thoughtfully and intentionally by the Title IX Coordinator, taking into account the circumstances of the situation, including the reasons why the complainant wants or does not want the University to investigate. The Title IX Coordinator is trained with the special responsibilities that involve interacting with complainants, enabling the Title IX Coordinator to make these decisions. Other University administrators and community members may report sexual harassment incidents to the Title IX Coordinator and may express to the Title IX Coordinator reasons why the administrator or community member believes that an investigation is warranted, but the decision to initiate a grievance process is one that the Title IX Coordinator must make. As such, the Title IX Coordinator may determine that a fair, impartial investigation is objectively warranted as part of the University's obligation to respond to sexual harassment allegations.

### **The Right to an Advisor**

The complainant and the respondent have the right to have an advisor of their choice, who may be, but is not required to be, an attorney, present throughout the entire grievance process. At any time during the grievance process, both parties may choose their own advisors or may request that the University provide them an advisor at no cost or fee.

An advisor for either the complainant or respondent may: (i) accompany the party to any meeting or proceeding during the Title IX grievance process; (ii) assist the party with the gathering of evidence during a Title IX investigation; (iii) assist the party with inspecting and reviewing evidence gathered by the Title IX Investigator(s); (iv) be asked by the respective party to assist in making meaningful written responses to the information gathered throughout the investigative process; (v) attend the live hearing and conduct cross-examination, orally and in real time; and (vi) may be asked by the respective party to assist in submitting a written statement in support of, or challenging, the outcome of the live hearing, if necessary.

The University will not limit the choice or presence of the advisor for either the complainant or respondent in any meeting or grievance proceeding but may impose restrictions on the extent to which the advisor may participate in the proceedings. Any and all such restrictions will apply equally to complainants and respondents. The Investigation Process and Hearing Process sections of this Policy further discuss the roles and responsibilities of advisors with additional specificity.

### ***Advisors During a Live Hearing***

The right to have an advisor present throughout the hearing process extends to live hearings as well, if one occurs. If a party does not have an advisor present at the hearing, the University will provide that party an advisor. At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility.

### **The Investigation Process**

The Title IX Office operates in an impartial and unbiased manner and does not advocate on behalf of the individualized interests of the complainant or the respondent. Throughout the information gathering process, the Title IX Coordinator and the Title IX Investigator(s) maintain objectivity, and the Investigators conduct any Title IX investigation resulting from a formal complaint under the presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX grievance process.

### ***Receipt of A Formal Complaint***

The University will promptly conduct an investigation of the allegations contained in a formal complaint, and such complaints are investigated by the Title IX Investigator(s). If, however, the conduct alleged by the complainant would not constitute sexual harassment as defined in this Policy even if proved, did not occur within the University's educational programs or activities, or did not occur against a person in the United States, the University must dismiss the formal complaint with regard to that conduct. If circumstances arise where the University must terminate its Title IX grievance process with regard to specific conduct, the alleged conduct may still be a violation of the Interpersonal Violence and Sexual Misconduct Policy or other University policy. In such a case, affected individuals may be able to utilize the grievance process specified in another University policy, if any.

Upon receipt of a formal complaint, the Title IX Office will provide written notice to the parties of the allegations contained in the complaint, along with notice of the University's grievance procedures. The **notice of allegations** will include sufficient details about the allegations potentially constituting sexual harassment under this Policy and will provide the parties sufficient time to prepare a response before any

initial interview. These details will include, to the extent known, the identities of the parties involved in the incident, the conduct allegedly constituting a Title IX violation, and the date and location of the alleged incident.

The notice of allegations will also specify that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The notice will additionally inform the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and that the parties may inspect and review evidence as provided for in this Policy.

If, after the initial notice is disseminated, the University decides to investigate allegations about the complainant or the respondent that are not included in the initial notice of allegations, or if new details pertaining to the allegations are discovered, all known parties will be given notice of the additional allegations or the newly discovered details.

### *Information Gathering*

The Title IX Investigator(s) will attempt to interview the complainant and the respondent of the alleged incident. Additionally, the Title IX Investigator(s) will request from both parties any information and evidence that is directly related to the allegations under investigation, including the names of potential witnesses to interview. The complainant and respondent will also be given equal opportunity to present witnesses during the investigation process, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Both parties will also have the ability to discuss the allegations under investigation with the Title IX Investigator(s) and to gather and present relevant evidence, and the Title IX Office will not restrict these abilities. Similarly, the complainant and the respondent will be given the same opportunity to have others present during any meeting that takes place during the investigation process, which includes the opportunity to be accompanied by an advisor of their choice or an advisor provided by the University. While gathering information, the Title IX Investigator(s) will not make determinations regarding credibility of the parties or witnesses, and will objectively evaluate evidence.

With respect to parties or witnesses whose participation in the investigation is invited or expected, the Title IX Office will provide them written notice of the date, time, location, participants, and purpose of the investigative interview or other meeting, and will provide sufficient time for these individuals to prepare to participate.

The Title IX Investigator(s) will also provide both parties an equal opportunity to inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence before the conclusion of the investigation.

### *The Investigative Report*

Prior to completion of the investigative report, the Title IX Investigator(s) will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report. The Title IX Office will

make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing.

Once the Title IX Investigator(s) have considered the parties' written responses, if any, and the investigation process has concluded, the Title IX Investigator(s) will create an **investigative report** that fairly summarizes relevant evidence. The report will not contain findings of fact as to whether a Title IX violation did or did not occur but will instead contain a summary of the investigation and all relevant documents submitted by the parties and potential witnesses. The Title IX Coordinator and/or Title IX Investigator(s) will determine whether a piece of evidence is relevant and thus included in the investigative report.

At least ten (10) days prior to a hearing, if a hearing is required or provided, or other time of determination regarding responsibility, the Title IX Office will send to each party and the party's advisor, if any, the final investigative report in an electronic format or hard copy, for their review and written response.

### **Timeframes**

The University is committed to the reasonably prompt resolution of a formal complaint of sexual harassment so that parties to a Title IX case are not required to wait longer than necessary to know the resolution of a formal complaint of sexual harassment. Accordingly, Title IX cases will generally be adjudicated within ninety (90) business days from the date that the Title IX Coordinator is notified of the complaint.

The Title IX Investigator(s) will make every effort to investigate the allegations raised in a formal complaint but will not allow speed to interfere with the quality of the investigation. The time required to conduct a thorough and complete investigation will vary depending upon, among other things, the complexity of the allegations, the availability or absence of the parties or witnesses, the number of witnesses, the volume of documentary evidence that must be reviewed or gathered, break periods and periods where the University is either on break or closed, or concurrent law enforcement activity that may require the University to suspend its investigation or other Title IX proceedings in deference to law enforcement activity.

The timeframe for the resolution of a formal complaint may be extended for good cause with written notice to the parties and an explanation for the delay. Good cause includes, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

### **Informal Resolution Process**

At any time prior to the Independent Decision-Maker reaching a determination regarding the respondent's responsibility, the Title IX Coordinator may offer to coordinate an informal resolution process, such as **mediation**, that does not involve a full investigation and adjudication of the complainant's allegations. The informal resolution process is only available after a formal complaint has been filed and cannot be used to resolve allegations that a University employee sexually harassed a student.

If the complainant and respondent are interested in pursuing informal resolution of a complaint, both parties will be notified of the allegations, the requirements of the informal resolution process, including any circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participation in the informal resolution process, including what records will be maintained and shared. Before an informal resolution process may proceed, the complainant and the respondent must voluntarily agree to the process in writing. The parties cannot be compelled to participate. Before reaching an agreement through the mediation process, any party has the right to withdraw from the informal resolution process and resume the grievance process.

with respect to the formal complaint. If, however, the parties reach an agreement during this process, the terms of the **mediation agreement** will be memorialized in writing and will be binding upon the parties. Violation of the written agreement will result in the student being charged with Disregard for University Authority, DSA.SC.200.010, and may result in the agreement being voided.

If the parties are unable to reach an agreement through the informal resolution process, the investigation and/or adjudication process will resume.

### **Pre-Hearing Conference**

Once the investigative report has been made available to the parties and their advisors, if any, the Title IX Office will schedule an individual pre-hearing conference with both the complainant and the respondent. During the pre-hearing conference, the parties will be informed of their rights and will be instructed on the remainder of the Title IX grievance process. In addition, both parties will be asked to provide the names of any advisors and witnesses who they anticipate will participate in the live hearing, should a hearing take place. Additional meetings with the complainant or respondent will be scheduled if necessary.

### **The Hearing Process**

If the respondent to a Title IX case is a University employee and thus not given the opportunity to participate in the informal resolution process, or the parties have not agreed to the informal resolution process, and other circumstances do not prevent a Title IX case from moving forward, the matter will be resolved by the University's designated Independent Decision-Maker through a live hearing.

The Independent Decision-Maker reaches a determination as to the respondent's responsibility, but operates under the presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX grievance process.

### *Determining the Time and Location of the Hearing*

After the pre-hearing conference, the designated Hearing Clerk will work with the complainant, respondent, advisors, witnesses, and the Independent Decision-Maker to determine the time and location of the live hearing.

### *The Live Hearing*

The live hearing will take place on the date and time agreed to by the complainant and respondent. A **live hearing** does not require that the parties, the Independent Decision-Maker, or other individuals participating in the hearing process meet face to face at the same geographic location. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Additionally, at the request of either the complainant or the respondent, the University will facilitate the live hearing with the parties located in separate rooms with technology enabling the Independent Decision-Maker and the parties to simultaneously see and hear the party or witness answering questions. Live hearings are closed proceedings and not open to the public.

The **Independent Decision-Maker** will preside over the live hearing and is vested with the authority to maintain the order of the parties, participants, and proceedings. At the beginning of the live hearing, the Independent Decision-Maker will give an overview of the hearing process. During the hearing, the complainant and respondent will have the opportunity to present and challenge evidence. If the

Independent Decision-Maker makes any credibility determinations about a hearing participant, those determinations will not be based on a person's status as a complainant, respondent, or witness.

The complainant and the respondent are permitted to make an **opening statement** to the Independent Decision-Maker at the beginning of the live hearing. Similarly, both parties are permitted to make a **closing argument** to the Independent Decision-Maker at the conclusion of the live hearing. Either party may elect to have their advisor make their opening statement, closing argument, or both. The opening statement and closing argument each must not exceed ten (10) minutes in length.

The Title IX Office will make any such evidence that was subject to the parties' inspection and review prior to the completion of the investigative report available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for the purposes of cross-examination.

#### *Cross-Examination and Relevance of Evidence*

All evidence presented during the live hearing, as well as all questions asked during the cross-examination portions of the live hearing, must be relevant. A piece of evidence or a cross-examination question is **relevant** if (i) it has any tendency to make a fact more or less probable than it would be without the evidence; and (ii) the fact is of consequence in determining the case.

The Independent Decision-Maker may ask questions and will permit each party's advisor to ask questions, and follow up questions, including those that challenge credibility, but all questions asked during such **cross-examination** must be relevant. Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor and never by a party personally. If a party does not have an advisor present at the hearing, the University will provide that party an advisor of the University's choice at no cost to that party. If the Independent Decision-Maker makes any credibility determinations about a hearing participant, those determinations cannot be based on a person's status as a complainant, respondent, or witness.

Before a complainant, respondent, or witness answers a cross-examination or other question, the Independent Decision-Maker must first determine whether the question is relevant and will explain any decision to exclude a question as not relevant. All questions and evidence about the complainant's sexual behavior or predisposition are irrelevant and therefore must be excluded from evidence during the live hearing, unless: (i) such evidence about the complainant's sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or (ii) the evidence concerns specific incidents of the complainant's sexual behavior with respect to the respondent and is offered to prove consent.

#### *If A Party or Witness Does Not Submit to Cross-Examination*

If a party or witness does not submit to cross-examination at the live hearing, the Independent Decision-Maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Independent Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

If the Independent Decision-Maker asks questions, and a party or witness refuses to respond to the Independent Decision-Maker's questions, the Independent Decision-Maker is not precluded from relying on that party or witness's statements. The Independent Decision-Maker's neutral, fact-finding questions are different than cross-examination questions.

### *Title IX Investigator as a Witness*

The Title IX Investigator(s) may be called as a witness by either party or the Independent Decision-Maker to present information regarding the investigation. As with any witness, the Title IX Investigator(s) will not testify as to whether a Title IX violation occurred nor be asked his or her opinion about the respondent's responsibility or lack thereof but will only testify to his or her first-hand knowledge of the facts gathered during the investigation. In addition, the Title IX Investigator(s) may testify as to any factual inconsistencies found during the investigation.

### *Standard of Evidence to be Applied*

In reaching a determination regarding responsibility, the Independent Decision-Maker will apply a **preponderance of the evidence standard**. This standard requires a showing that a particular party's evidence is more credible or convincing than that presented by the other party, or a showing that the fact to be proven is more probable than not.

### *The Decision of the Independent Decision-Maker*

The decision of the Independent Decision-Maker regarding the respondent's responsibility as well as possible sanctions will be determined within two (2) business days of the completion of the live hearing.

The Independent Decision-Maker will issue a **written determination regarding responsibility**, which will include:

- (i) identification of the allegations potentially constituting sexual harassment;
- (ii) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence, and hearings held;
- (iii) findings of fact supporting the determination;
- (iv) conclusions regarding the application of the University's Title IX Policy to the facts;
- (v) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University will impose on the respondent, if any, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant; and
- (vi) the University's procedures and permissible bases for the complainant or the respondent to appeal the decision. The complainant and the respondent will be notified of the hearing panel's determination simultaneously.

The determination regarding responsibility becomes final on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

### *Recording the Live Hearing*

The Independent Decision-Maker will create an audio recording, audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

### **Disciplinary Sanctions**

Title IX encompasses a wide range of prohibited conduct. As such, depending upon the facts and circumstances of a particular Title IX Policy violation, sanctions resulting from a finding of responsibility may range from a verbal reprimand to expulsion from the University. Sanctions are enforced immediately upon determination of the violation.

The following list encompasses all possible sanctions that may be imposed by the University:

- **Oral reprimand:** An oral statement of disapproval with or without written follow-up communication.
- **Written reprimand:** A written notice to the respondent of the inappropriate nature of the conduct.
- **Disciplinary probation:** Probation accompanied by a written reprimand to the respondent for violation of the Title IX Policy. Probation is for a definite period of time and includes the possibility of more severe sanctions if the respondent is found responsible for violating any other University rules and regulations during the probationary period.
- **Loss of privileges:** Denial of specified privileges for a designated period of time. This may include, but is not limited to, loss of visitation rights, denial of participation in specific programs, denial of participation in University-related organizations or groups, denial of the right to attend University-sponsored events, and denial of access to campus resources or facilities.
- **Restitution:** Reasonable compensation for loss, damage, or injury to the appropriate party. Restitution may take the form of community service, monetary compensation, or material replacement.
- **Community service:** Assignments for the benefit of the University or community. Community service assignments must be approved by the Title IX Coordinator.
- **Assessment:** A respondent may be required to attend sessions with a counselor for an assessment, either through the University's Counseling Center, Student Health Services, or an outside provider.
- **Substance abuse education:** A respondent may be required to meet with a substance abuse educator or attend programs designed to help the student deal with substance abuse issues and learn from the experience.
- **Educational project(s):** A respondent may be required to participate in educational projects that will enhance the educational impact of the Title IX grievance process on the respondent, which may include oral or written reports to the Title IX Coordinator. Educational sanctions are designed to increase the respondent's understanding of how his or her behavior affects others.
- **Suspension:** Separation of the student respondent from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. This sanction will be noted on the academic transcript of the respondent. Academic coursework completed during a respondent's suspension will not be accepted as transfer credit.
- **Demotion:** A reduction in an employee's job title, responsibilities, and/or salary.
- **Expulsion:** Permanent separation of the student respondent from the University community without the possibility of readmission. This sanction will be noted on the academic transcript of the respondent.
- **Termination:** Permanent termination of the respondent's employment with the University.
- A **combination** of any of the above sanctions.
- **Other remedies:** Though not a disciplinary sanction, the Independent Decision-Maker may order remedies which are designed to restore or preserve equal access to the University's education program or activity by the University to the complainant.

### *Appeals*

If a party wishes to appeal a determination regarding responsibility, including sanctions, or a dismissal of a formal complaint or any allegations therein, that party may submit a written appeal to the Appellate Consideration Board for the University within ten (10) business days.

### *Bases for an Appeal*

The University will offer both parties an appeal from a determination regarding responsibility, including sanctions, and from the University's dismissal of a formal complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, Investigator(s), or Independent Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
- The grievance process described in the University's Title IX Policy was not followed;
- The conduct alleged does not fall within the jurisdiction of the University's Title IX grievance process; or
- The sanctions imposed by the Independent Decision-Maker were not appropriate for the violation that the respondent was found to have committed.

### *After an Appeal Has Been Filed*

The non-appealing party will be notified in writing when an appeal is filed. The complainant and respondent will be provided a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the grievance proceeding giving rise to the appeal. The decision-maker for the appeal will not be the Title IX Coordinator, Title IX Investigator(s), nor the Independent Decision-Maker that reached the determination regarding responsibility or dismissal of a complaint giving rise to the appeal.

### *Review by The Appellate Consideration Board*

The Chancellor of the University has delegated final authority of review to the Appellate Consideration Board. The Appellate Consideration Board will review the written request for appellate consideration, the case file, and any audio recording, audiovisual recording, or transcript of the live hearing. The Appellate Consideration Board may request new information or material from the complainant, respondent, Independent Decision-Maker, conduct officers, Title IX Coordinator, Title IX Investigator(s), or witnesses. In determining the merit of an appeal, the Appellate Consideration Board will not substitute its judgment for the decision of the Independent Decision-Maker that presided over the live hearing.

### *The Decision of The Appellate Consideration Board*

After reviewing the appeal and the documents related to a case, the Appellate Consideration Board will make a decision based upon the basis or bases of the appeal.

For appeals based on a claim of **procedural irregularity** that affected the outcome of the matter, the Appellate Consideration Board may:

- (i) reduce or change the sanction to something similar or less than the original sanction,
- (ii) remand the case to the Independent Decision-Maker with specific questions and/or instructions to consider, or
- (iii) remand the case to a new designated Independent Decision-Maker for a new live hearing.

For appeals based on a claim of **new evidence** that was not reasonably available at the time the determination regarding responsibility was made, which affected the outcome of the matter, the Appellate Consideration Board may:

- (i) uphold the decision and/or sanction as the new evidence would not affect the rationale of a designated Independent Decision-Maker, or
- (ii) remand to the Independent Decision-Maker with specific instructions concerning the review of the new material.

For appeals based on a claim that the Title IX Coordinator, Investigator(s), or Independent Decision-Maker had a **conflict of interest or bias** for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter, the Appellate Consideration Board may:

- (i) uphold the decision and/or sanction as the conflict of interest or bias did not affect the outcome of the matter, or
- (ii) remand the case to a new designated Independent Decision-Maker for a new hearing.

For appeals based on a claim that the **grievance process** described in the University's Title IX Policy was not followed, the Appellate Consideration Board may:

- (i) uphold the decision and/or sanction,
- (ii) remand the case to the Independent Decision-Maker with specific instructions, or
- (iii) remand the case to a new designated Independent Decision-Maker for a new hearing.

For appeals based on a claim that the conduct alleged does not fall within the **jurisdiction** of the University's Title IX grievance process, the Appellate Consideration Board may:

- (i) uphold the decision and/or sanction,
- (ii) remand the case to the Independent Decision-Maker with specific instructions, or
- (iii) remand the case to a new designated Independent Decision-Maker for a new hearing.

For appeals based on a claim that the **sanctions** imposed by the Independent Decision-Maker were not appropriate for the violation that the respondent was found to have committed, the Appellate Consideration Board may:

- (i) reduce or change the sanction to something similar or less than the original sanction, or
- (ii) remand to the Independent Decision-Maker with specific questions and/or instructions to consider.

The Appellate Consideration Board will issue a written decision describing the appeal and the rationale for the result, which will be provided to the parties simultaneously.

For Title IX cases involving an employee respondent, either party may appeal the findings of an investigation and any disciplinary action taken by the University by submitting an appeal, in writing, to the Provost. Such an appeal must be made within five (5) business days of the receipt of the decision from the Independent Decision-Maker. The Provost's decision is final.

### **Emergency Removal of a Respondent**

The University maintains the authority to remove a respondent from its educational programs or activities on an emergency basis if, after undertaking an individualized safety and risk analysis, it is determined that a respondent poses an immediate threat to the physical health or safety of any students or other individual arising from the allegations of sexual harassment that justifies removal, and the University provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

### **Administrative Leave**

The University may place a non-student employee respondent on administrative leave during the pendency of the Title IX grievance process. Under this Policy, **administrative leave** consists of separation of an employee from the University, with or without pay, pending the conclusion of the Title IX grievance process. Upon the conclusion of the grievance process, the employee may or may not be able to continue his or her employment with the University, and conditions for continued employment, if any, may be specified.

### **Amnesty**

To encourage University community members to timely seek medical care and to promptly report allegations of sexual harassment and other conduct prohibited by this Policy, the University offers amnesty to those individuals who the Title IX Office learns has voluntarily consumed alcohol or other drugs relating to the alleged incident under investigation. Students who have consumed or possessed alcohol or drugs during the circumstances related to or involving the incident alleged in a Title IX report or formal complaint will not face conduct proceedings nor be otherwise sanctioned for such conduct under the University's drug and alcohol policies. This amnesty extends to complainants, respondents, and any witnesses making a report, formal complaint, or participating in an investigation or proceeding in any manner pursuant to this Policy.

The University may require an individual to undergo non-punitive alcohol or drug education or training if it appears to the Title IX Coordinator that the individual may be at risk with regard to the health and safety and/or social complications that accompany the repeated and excessive use of alcohol or drugs.

### **Retaliation**

Retaliation against an individual who initiates a Title IX complaint, participates in an investigation, or pursues legal action, is prohibited. Accordingly, the University nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this provision. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this provision does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Any person, whether a complainant, respondent, or witness, who is concerned they have experience retaliation may file a complaint under this Policy, which the Title IX Office will promptly investigate. The Title IX Coordinator may implement supportive measures or take other remedial action in response to allegations or threats of retaliation prohibited by this Policy. These measures may include, but are not limited to academic accommodations, No Contact directives, changes in course schedules, and modifications to housing assignments.

Disciplinary sanctions may be issued against anyone determined to have engaged in retaliation, including individuals who are acting on behalf of the respondent or complainant, with or without the knowledge of the complainant or respondent.

### **Consensual Relationships**

The University's policy concerning consensual relationships may be found at ACA.EO.100.011.

### **Confidentiality and Privacy**

The University will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant under this Policy, and individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness in a Title IX grievance process. Confidentiality will be maintained, except where a disclosure is required by applicable law or necessary for the conduct of any investigation, hearing, or proceeding under this Policy.

Even where an individual requests privacy or confidentiality, employees who receive a report of sexual misconduct must share that information with the Title IX Coordinator unless otherwise exempt by state or federal law or other University policy. This disclosure is necessary because the employee may have a continuing obligation to maintain campus safety. The Title IX Coordinator will then determine whether further investigation is warranted, notwithstanding the request for privacy or confidentiality.

A complainant has the autonomy to decide whether or not to file a complaint and whether or not to participate in a Title IX grievance process. However, the Title IX Coordinator may determine that the circumstances of an alleged incident are so severe or that the allegations otherwise indicate there is an ongoing danger to the complainant and/or members of the University community such that action must be taken on the part of the University beyond the action requested by the complainant. The Title IX Coordinator has the discretion to proceed with a Title IX investigation, without the complainant's involvement, by signing a formal complaint against the respondent.

When determining whether to proceed without cooperation from the complainant, the Title IX Coordinator will weigh a number of factors. Examples of factors the Title IX Coordinator will consider include: the risk of the respondent committing additional acts; if the respondent has threatened to commit additional acts; if other complaints have been reported about the same respondent; if the complaint involves multiple respondents; the respondent's history of arrests or other conduct records; the involvement of a weapon; the ages of the complainant and respondent; whether the respondent is in a position of authority over the complainant; whether the allegations involve violence or serial predatory conduct and the University's ability to move forward with the investigation without the complainant.

If the Title IX Coordinator moves forward with the investigation, with or without the complainant's participation, information will only be shared with those individuals who are responsible for handling the school's response to the complaint and those necessary to the investigation. The Title IX Coordinator will inform the complainant, to the extent possible, of individuals with whom information about the complaint will be shared.

### **Contact Information**

The University's Title IX Coordinator oversees policies and procedures that apply to reports and formal complaints alleging sex discrimination (including sexual harassment, sexual assault, and sexual violence) by employees, students or third parties. Responsibilities performed in this Policy by "the Title IX Coordinator" may be performed by the Title IX Coordinator, or by another University employee trained

by, and acting under the supervision of, the Title IX Coordinator. Contact information for The University of Mississippi's Title IX Coordinator is listed below.

**Honey Ussery**

Assistant Director of Equal Opportunity  
& Regulatory Compliance and Title IX Coordinator  
[titleix@olemiss.edu](mailto:titleix@olemiss.edu) or [hbusser@olemiss.edu](mailto:hbusser@olemiss.edu)

P.O. Box 1848  
120 Lester Hall  
Phone: (662) 915-7045  
Fax: (662) 915-1229

**Interpersonal Violence and Sexual Misconduct  
ACA.EO.100.022**

It is the position of the University of Mississippi that violations of this Policy in any form will not be excused or tolerated. This Policy prohibits discrimination based on sex outside of educational programs and activities. Prohibited conduct under this Policy includes sexual harassment and sexual assault, as well as sexual exploitation that occurs inside or outside of University educational programs or activities. This Policy protects students, faculty, and staff alike, and applies to both men and women. This Policy is implemented and enforced in compliance with applicable law including: Title IX of the Education Amendments of 1972; the relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; and other applicable federal and state laws. The University also follows all intervention and crime reporting requirements for Policy violations under applicable law.

Violations of this Policy in any form will not be excused or tolerated. The University adheres to effective, equitable, and fair procedures to investigate and adjudicate Interpersonal Violence and Sexual Misconduct complaints. The University reinforces this Policy by educating the University community on the importance of recognizing, reporting, and effectively responding to all forms of prohibited conduct. Special emphasis is placed on the rights, needs, and privacy of both parties to a complaint under this Policy. The University's Equal Opportunity & Regulatory Compliance (EORC) Office operates in an impartial and unbiased manner and does not advocate on behalf of either party. The University also adheres to all federal, state, and local requirements for intervention and crime reporting related to violations of this Policy.

The University employs a grievance process that rests on fundamental notions of fairness and due process protections so that determinations as to responsibility made at the conclusion of its grievance process are founded on facts and evidence. There is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

**Purpose of Policy**

The University of Mississippi is committed to fostering an environment that prevents violence, sexual harassment, and unwelcome sexual misconduct of employees, students, applicants for admission or employment, visitors to campus, or third parties. Students, faculty, and staff should be able to live, study, and work in an environment free from sexual misconduct and violence. The purpose of this Policy is to provide students, faculty, and staff notice of the rights and protections afforded to them under this Policy and their continuing obligation to respect the dignity of each person by refraining from prohibited behaviors. This Policy outlines prohibited conduct, including unlawful discrimination based on sex and sexual harassment.

## Sexual Harassment and Other Sexual Misconduct

Pursuant to this Policy, the University of Mississippi prohibits sexual harassment and other forms of unwelcome sexual contact that occurs outside of the University's educational programs or activities in order to protect students, faculty, staff, and the University community as a whole. Sexual misconduct and sexual exploitation may vary in their severity and consist of a wide range of behaviors. These behaviors are serious violations and represent a threat to the safety of the University community.

The requirements of this Policy apply regardless of the sexual orientation and/or sexual identity of the individuals engaging in sexual activity. The following sexual misconduct violates this Policy, as well as the University's community standards and values of respect, civility, and personal integrity. The conduct may also be unlawful under applicable state or federal law.

Under this Policy, sexual harassment means either:

- (i) unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an educational program or activity of the University; or
  - (ii) sexual assault, dating violence, domestic violence, or stalking, as defined below.
- **Rape** is the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. Carnal knowledge exists if there is the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis).
  - **Sodomy** is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
  - **Sexual assault with an object** is the use of an object or instrument to penetrate, without the consent of the victim, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical disability. An "object" or "instrument" is anything used by the offender other than the offender's genitalia, e.g. a finger, bottle, stick.
  - **Fondling** is the touching of the private body part of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical disability.
  - **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory rape** is intercourse with a person who is under the statutory age of consent.
  - **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.
  - **Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic

or family violence laws of the applicable jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- **Stalking** is a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for his or her safety or the safety of others; or (ii) suffer substantial emotional distress.

The University's definitions are adopted from the FBI's Uniform Crime Reporting Program.

- **Sexual Exploitation:** Includes the following behaviors that occur inside or outside a University program or activity, and includes but is not limited to:
  - Non-consensual videotaping, audiotaping, or photographing of sexual activity even if the sexual act is consensual
  - Non-consensual posting, publishing, sharing, or displaying photo, audio, or video of sexual activity even if the activity was originally recorded with effective consent
  - Voyeurism, which is a form of sexual exploitation in which one individual engages in secretive observation or non-consensual video or audio taping of another for personal sexual pleasure
  - Any disrobing of another or exposure to another without effective consent

### **Consent**

For the purposes of this Policy, consent between two or more people is defined as an affirmative agreement – through clear actions or words – to engage in sexual activity. The person giving the consent must act knowingly, freely, voluntarily, and with an understanding of his or her actions when giving the consent. This definition of consent is premised on the idea that all persons in our University community have the right to feel respected, acknowledged, and safe during sexual activity.

Nonconsensual sexual activity is prohibited under this Policy and requires a showing that a participant knew or reasonably should have known that the other party did not consent to the sexual activity.

A person who willingly participates in sexual activity is responsible for obtaining consent for that sexual activity. Consent must be present throughout the sexual activity. Consent can be withdrawn by any participant at any time during the sexual activity. Accordingly, a participant to sexual activity can revoke consent through actions, conduct, or behavior that communicates that he or she no longer wishes to continue the existing sexual activity. Once consent is withdrawn, the sexual activity must cease immediately.

Although consent can be non-verbal (e.g. nodding), consent should never be assumed or inferred from silence, passiveness, or a lack of resistance. A lack of protest or the failure to resist does not constitute consent. If there is confusion as to whether anyone has consented or continues to consent to sexual activity, it is essential that the participants stop the activity until the confusion can be clearly resolved and consent is obtained. No sexual activity should occur without consent.

Consent to engage in a particular sexual activity with an individual is not consent to engage in all sexual activity with that individual, and consent to engage in a sexual activity with an individual on one occasion is not consent to engage in sexual activity at a later time.

Consent to engage in sexual activity with one person is not consent to engage in sexual activity with any other person.

Consent cannot result from force, or threat of force, coercion, fraud, or intimidation. The use of force or threat of force to induce consent violates this Policy whether the force is physical in nature, violent, or involves threats, intimidation or coercion.

- **Physical force** includes but is not limited to: hitting, kicking, and restraining. Physical force may also involve physically exerting control of another person through any form of violence.
- **Threats or threatening** behavior exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual activity to which he or she otherwise would not have consented.
- **Intimidation** is an implied threat. Intimidation exists when a reasonable person would feel threatened or coerced even though there may not be any threat made explicitly or physical force. Intimidation is evaluated based on the intensity, frequency, or duration of the comments or actions.

### *Incapacitation and the Age of Consent*

An incapacitated person lacks the ability to make a voluntary, informed, rational decision about whether to consent to sexual activity. A person may be incapacitated as a result of the consumption of alcohol or other drugs, because of sleep, unconsciousness, or due to a physical or mental impairment or health condition. It is a violation of this Policy if the initiator of a sexual activity has sex with someone the initiator knows, or reasonably should know, is incapacitated.

A person who is unconscious, unaware, or otherwise physically helpless cannot give effective consent to sexual activity. Someone is incapacitated when he or she engages in sexual activity when he or she cannot understand or appreciate who, what, when, where, why, or how with respect to the sexual interaction.

People manifest signs of incapacitation differently. Signs of incapacity may include but are not limited to: slurred or incomprehensible speech, a fixed gaze, incoherence, an unsteady manner of walking or the inability to walk or stand up straight, combativeness or emotional volatility, vomiting, or incontinence.

Age can be a form of incapacitation that renders a person unable to give consent. Under state law, a person between the ages of fourteen (14) and sixteen (16) lacks the legal capacity to consent to sexual intercourse with an individual seventeen (17) years or older, where that individual is at least thirty-six (36) months older than the person. Similarly, a student under the age of eighteen (18) lacks the legal capacity to consent to sexual activity with a person in a position of trust or authority over the student, including, without limitation, the student's teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader or coach.

If a person is unsure about the presence of consent or incapacitation, the safe thing to do, with respect to a sexual interaction, is to forego the sexual activity. A party may not assert his or her own intoxication as grounds for being unable to recognize that another person was either incapacitated or did not otherwise give consent.

### **Reporting an Alleged Policy Violation**

Community members who believe they have, or believe someone they know has, experienced a potential Policy violation may submit a report in writing, in person, by mail, by telephone, by electronic mail, or by any other means that results in the Assistant Director of Equal Opportunity & Regulatory Compliance (EORC) receiving the report. Reports can be made at any time, including after business hours and on weekends, and by any person. The Assistant Director of EORC can be reached by telephone at (662) 915-

7045, by emailing the Title IX Office at [titleix@olemiss.edu](mailto:titleix@olemiss.edu), or on campus at 120 Lester Hall. Additional contact information for the Assistant Director of EORC is provided at the end of this Policy.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Assistant Director of EORC, or by any other means that results in the Assistant Director of EORC receiving the report. Such a report may be made at any time.

The complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. The respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Reporting a Policy violation is not the same thing as filing a formal complaint. For more information on how to file a formal complaint, please see the Filing a Formal Complaint section below.

Employees who are notified of an alleged incident involving a Policy violation or allegations of sexual harassment must report the incident to the Assistant Director of EORC immediately (no later than two calendar days). Employees include all University faculty and staff, except those who work or volunteer in the on campus U Matter: Student Support and Advocacy Office or Violence Intervention and Prevention Services, and those with a statutory privilege, including but not limited to those providing counseling or healthcare services through the University Counseling Center, Student Health Services, and/or Psychological Services Center. Those University employees who work or volunteer in the University Counseling Center, Student Health Services, and/or Psychological Services Center are considered confidential employees for the purposes of this Policy. Confidential employees are not required to report an alleged incident to the Assistant Director of EORC unless there is a reasonable threat to campus safety. However, those employees with a mandatory obligation under University policy or applicable law to report Policy violation allegations to the Assistant Director of EORC must do so, even where an individual requests confidentiality.

While maintaining confidentiality, employees and staff within Violence Intervention and Prevention Services or the U Matter: Student Support and Advocacy Office must report the nature, date, and general location of an incident to the Assistant Director of EORC, along with a list of any supportive measures that were provided. This limited report – which includes no information that would directly or indirectly identify the student – helps keep the Assistant Director of EORC informed of the general extent and nature of the alleged sexual violence on and off campus so the Assistant Director can track patterns, evaluate the scope of the problem, if any, and formulate appropriate campus-wide responses, if necessary.

Although the Violence Intervention and Prevention Services staff and the U Matter: Student Support and Advocacy staff generally maintain a person's confidentiality and privacy within the University, they may have certain reporting or other obligations under state or federal law, including an obligation to respond to lawfully issued subpoenas. If the Violence Intervention and Prevention Services staff or U Matter: Student Support and Advocacy staff believe that an individual may pose a serious and immediate threat to the University community, the University Police Department should be informed so that it can determine if a timely warning to the University community is appropriate. Any such warning should not include any information that identifies the person reporting the information.

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs," or other forums in which students disclose incidents of sexual violence, are not considered reports or formal complaints for the purposes of this Policy, nor are such events and forums

notice to the University of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about students' rights at these events.

Students are encouraged to immediately seek medical attention and contact the University Police Department at (662) 915-7234 if they believe they have been sexually assaulted. Students are strongly encouraged to seek medical attention even if they do not wish to pursue criminal charges or otherwise pursue a complaint under this Policy.

### **Supportive Measures**

Supportive measures are non-disciplinary, non-punitive, individualized services offered by the University as appropriate, as reasonably available, and without fee or charge, to either party before or after the filing of a formal complaint, or where no formal complaint has been filed. Such measures are designed to restore or preserve access to the University's educational programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the University's educational environment, and deter sexual harassment.

Supportive measures may include, but are not limited to:

- Counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between the parties
- Changes in work or housing locations
- Leaves of absence
- Temporary residence in a University safe room
- Parking accommodations
- Increased security and monitoring of certain areas of the campus
- Other similar measures

The University must maintain as confidential any measures provided to the complainant or the respondent to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. Any potential party seeking supportive measures from the University may contact the Assistant Director of EORC. Alternatively, an individual who has filed a formal complaint or is considering filing a complaint may seek supportive measures through Violence Intervention and Prevention Services, while an individual who is responding to a formal complaint may seek supportive measures through U-Matter: Student Support and Advocacy.

### **Violence Intervention and Prevention Services**

Violence Intervention and Prevention Services at the University of Mississippi is an on-campus resource that promotes awareness of the realities of sexual assault, relationship violence, stalking, and other forms of sexual misconduct. This program also provides education and training to students, faculty, and staff concerning these topics. Additionally, Violence Intervention and Prevention Services serves as confidential advocacy to assist complainants and potential complainants of sexual misconduct and other interpersonal violence, and as a liaison between the University of Mississippi and local resource groups.

The University is committed to an environment where all members utilize bystander intervention to prevent and end violence on campus and in the community. The University presents programming on

prevention of sexual misconduct, relationship violence, and stalking to all students, staff and faculty at orientation and throughout the year. The University also educates all its members on awareness and intervention related to sexual misconduct, relationship violence and stalking. Education includes University policy, state criminal laws, Title IX and federal laws, the impact of trauma, how to recognize and respond to incidents and the importance of reporting incidents. The University mandates training for all incoming students to increase awareness and foster prevention. The University also mandates training for all staff and faculty.

Individuals who work or volunteer in Violence Intervention and Prevention Services, including front desk staff and students, can generally talk to a complainant without revealing any personally identifying information about an incident to the University. A complainant can seek assistance and support from these individuals without triggering a University investigation that could reveal the complainant's identity or that the complainant has disclosed the incident.

For a listing of available resources, please visit the website <http://umsafe.olemiss.edu>. To request an educational program or for further assistance, please contact [Violence Intervention and Prevention Services](#) at (662) 915-1059.

#### **UMatter: Student Support and Advocacy**

The UMatter: Student Support and Advocacy Office at the University of Mississippi is an on-campus resource that serves as the official office for finding resources and information on how students can care for themselves and their peers when in distress. The UMatter: Student Support and Advocacy Office also serves as a confidential advocate to assist respondents and those alleged to have committed sexual misconduct, and as a liaison between the University of Mississippi and local resource groups. The UMatter: Student Support and Advocacy Office operates under the presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of this Policy's grievance process.

For a listing of available resources, please visit the website <http://umsafe.olemiss.edu>. For further assistance, please contact the [UMatter: Student Support and Advocacy Office](#) at (662) 915-7248.

#### **Filing a Formal Complaint**

The **complainant** is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. The **respondent** is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Under this Policy, a complainant may file a formal complaint for sexual harassment against a respondent.

A **formal complaint** is a document alleging sexual harassment against a respondent and requesting that the University investigate the allegation of sexual harassment. For the purposes of this Policy, "document" means a document or electronic submission (such as by electronic mail) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

A formal complaint may be filed with the Assistant Director of EORC in person, by mail, or by electronic mail, by using the following contact information provided for the Assistant Director of EORC:

#### **Honey Ussery**

Assistant Director of EORC  
Title IX Coordinator

University of Mississippi  
Post Office Box 1848  
120 Lester Hall  
P: (662) 915-7045  
[hbussery@olemiss.edu](mailto:hbussery@olemiss.edu)  
[titleix@olemiss.edu](mailto:titleix@olemiss.edu)

Complainants may file a formal complaint without meeting with the Assistant Director of EORC in person, so long as the complaint:

- (i) contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the formal complaint,
- (ii) alleges sexual harassment against the respondent, and
- (iii) requests that the University investigate the allegations.

Any individual seeking to file a formal complaint or looking to explore the option of filing a formal complaint should contact the Assistant Director of EORC.

For information on how to make a report of sexual misconduct or relationship violence with the Assistant Director of EORC, please see the Reporting an Alleged Policy Violation section above.

There are two situations in which the University may initiate its grievance procedures:

- (i) where a formal complaint has been filed by a complainant, or
- (ii) where the Assistant Director of EORC has decided to initiate the grievance process on behalf of the University after making a determination that an investigation is objectively warranted.

#### ***A Formal Complaint Signed by the Assistant Director Of EORC***

The Assistant Director of EORC may sign a formal complaint against a respondent. Where the Assistant Director of EORC signs a formal complaint, the Assistant Director is not a complainant or otherwise a party to the grievance process and must comply with the requirements of the grievance process outlined in this Policy.

Any decision to initiate this Policy's grievance process in situations where the complainant does not want an investigation or where the complainant intends not to participate is made thoughtfully and intentionally by the Assistant Director of EORC, taking into account the circumstances of the situation, including the reasons why the complainant wants or does not want the University to investigate. The Assistant Director of EORC is trained with the special responsibilities that involve interacting with complainants, enabling the Assistant Director of EORC to make these decisions. Other University administrators and community members may report sexual harassment incidents to the Assistant Director of EORC and may express to the Assistant Director reasons why the administrator or community member believes that an investigation is warranted, but the decision to initiate a grievance process is one that the Assistant Director of EORC must make. As such, the Assistant Director of EORC may determine that a fair, impartial investigation is objectively warranted as part of the University's obligation to respond to sexual harassment allegations.

#### **The Right to an Advisor**

The complainant and the respondent have the right to have an advisor of their choice, who may be, but is not required to be, an attorney, present throughout the entire grievance process. At any time during the grievance process, both parties may choose their own advisors or may request that the University provide them an advisor at no cost or fee.

An advisor for either the complainant or respondent may:

- (i) accompany the party to any meeting or proceeding during this Policy's grievance process;
- (ii) assist the party with the gathering of evidence during an investigation into a violation of this Policy;
- (iii) assist the party with inspecting and reviewing evidence gathered by the Investigator(s);
- (iv) be asked by the respective party to assist in making meaningful written responses to the information gathered throughout the investigative process;
- (v) attend the live hearing; and
- (vi) may be asked by the respective party to assist in submitting a written statement in support of, or challenging, the outcome of the live hearing, if necessary.

The University will not limit the choice or presence of the advisor for either the complainant or respondent in any meeting or grievance proceeding but may impose restrictions on the extent to which the advisor may participate in the proceedings. Any and all such restrictions will apply equally to complainants and respondents. The Investigation Process and Hearing Process sections of this Policy further discuss the roles and responsibilities of advisors with additional specificity.

#### ***Advisors During A Live Hearing***

The right to have an advisor present throughout the hearing process extends to live hearings as well, if one occurs. If a party does not have an advisor present at the hearing, the University will provide that party an advisor.

#### **The Investigation Process**

The EORC Office at the University operates in an impartial and unbiased manner and does not advocate on behalf of the individualized interests of the complainant or the respondent. Throughout the information gathering process, the Assistant Director of EORC and Investigator(s) maintain objectivity, and the Investigator(s) conduct any investigation resulting from a formal complaint under the presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

#### ***Receipt of A Formal Complaint***

Upon receipt of a formal complaint, the EORC Office will provide written notice to the parties of the allegations contained in the complaint, along with notice of the University's grievance procedures. The notice of allegations will include sufficient details about the allegations potentially constituting sexual harassment under this Policy and will provide the parties sufficient time to prepare a response before any initial interview. These details will include, to the extent known, the identities of the parties involved in the incident, the conduct allegedly constituting a Policy violation, and the date and location of the alleged incident.

The notice of allegations will also specify that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The notice will additionally inform the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and that the parties may inspect and review evidence as provided for in this Policy.

If, after the initial notice is disseminated, the University decides to investigate allegations about the complainant or the respondent that are not included in the initial notice of allegations, or if new details

pertaining to the allegations are discovered, all known parties will be given notice of the additional allegations or the newly discovered details.

### ***Information Gathering***

The Investigator(s) will attempt to interview the complainant and the respondent of the alleged incident. Additionally, the Investigator(s) will request from both parties any information and evidence that is directly related to the allegations under investigation, including the names of potential witnesses to interview. The complainant and respondent will also be given equal opportunity to present witnesses during the investigation process, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Both parties will also have the ability to discuss the allegations under investigation with the Investigator(s) and to gather and present relevant evidence, and the EORC Office will not restrict these abilities. Similarly, the complainant and the respondent will be given the same opportunity to have others present during any meeting that takes place during the investigation process, which includes the opportunity to be accompanied by an advisor of their choice or an advisor provided by the University. While gathering information, the Investigator(s) will not make determinations regarding credibility of the parties or witnesses, and will objectively evaluate evidence.

The Investigator(s) will also provide both parties an equal opportunity to inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence before the conclusion of the investigation.

### ***The Investigative Report***

Prior to completion of the investigative report, the Investigator(s) will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report. The EORC Office will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing.

Once the Investigator(s) have considered the parties' written responses, if any, and the investigation process has concluded, the Investigator(s) will create an investigative report that fairly summarizes relevant evidence. The report will not contain findings of fact as to whether a Policy violation did or did not occur but will instead contain a summary of the investigation and all relevant documents submitted by the parties and potential witnesses. The Assistant Director of EORC and/or Investigator(s) will determine whether a piece of evidence is relevant and thus included in the investigative report.

At least five (5) days prior to a hearing, if a hearing is required or provided, or other time of determination regarding responsibility, the EORC Office will send to each party and the party's advisor, if any, the final investigative report in an electronic format or hard copy, for their review and written response.

### **Timeframes**

The University is committed to the reasonably prompt resolution of a formal complaint of sexual harassment so that parties to a Interpersonal Violence and Sexual Misconduct case are not required to wait longer than necessary to know the resolution of a formal complaint of sexual harassment. Accordingly, these cases will generally be adjudicated within ninety (90) business days from the date that the Assistant Director of EORC is notified of the complaint.

The Investigator(s) will make every effort to investigate the allegations raised in a formal complaint but will not allow speed to interfere with the quality of the investigation. The time required to conduct a thorough and complete investigation will vary depending upon, among other things, the complexity of the allegations, the availability or absence of the parties or witnesses, the number of witnesses, the volume of documentary evidence that must be reviewed or gathered, break periods and periods where the University is either on break or closed, or concurrent law enforcement activity that may require the University to suspend its investigation or other proceedings in deference to law enforcement activity.

The timeframe for the resolution of a formal complaint may be extended for good cause with written notice to the parties and an explanation for the delay. Good cause includes, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

### **Informal Resolution Process**

At any time prior to the Independent Decision-Maker reaching a determination regarding the respondent's responsibility, the Assistant Director of EORC may offer to coordinate an informal resolution process, such as **mediation**, that does not involve a full investigation and adjudication of the complainant's allegations. The informal resolution process is only available after a formal complaint has been filed.

If the complainant and respondent are interested in pursuing informal resolution of a complaint, both parties will be notified of the allegations, the requirements of the informal resolution process, including any circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participation in the informal resolution process, including what records will be maintained and shared. Before an informal resolution process may proceed, the complainant and the respondent must voluntarily agree to the process in writing. The parties cannot be compelled to participate. Before reaching an agreement through the mediation process, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. If, however, the parties reach an agreement during this process, the terms of the **mediation agreement** will be memorialized in writing and will be binding upon the parties. Violation of the written agreement will result in the student being charged with Disregard for University Authority, DSA.SC.200.010, and may result in the agreement being voided.

If the parties are unable to reach an agreement through the informal resolution process, the investigation and/or adjudication process will resume.

### **The Hearing Process**

If the parties have not agreed to the informal resolution process, and other circumstances do not prevent a case from moving forward, the matter will be resolved by the University's designated Independent Decision-Maker through a live hearing.

The Independent Decision-Maker reaches a determination as to the respondent's responsibility, but operates under the presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

### ***Determining the Time and Location of the Hearing***

The designated Hearing Clerk will work with the complainant, respondent, advisors, witnesses, and the Independent Decision-Maker for the University to determine the time and location of the live hearing.

### *The Live Hearing*

The live hearing will take place on the date and time agreed to by the complainant and respondent. A **live hearing** does not require that the parties, the Independent Decision-Maker, or other individuals participating in the hearing process meet face to face at the same geographic location. Live hearings may be conducted with all parties physically present in the same geographic location or, at the University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. Additionally, at the request of either the complainant or the respondent, the University will facilitate the live hearing with the parties located in separate rooms with technology enabling the Independent Decision-Maker and the parties to simultaneously see and hear the party or witness answering questions. Live hearings are closed proceedings and not open to the public.

The **Independent Decision-Maker** will preside over the live hearing and is vested with the authority to maintain the order of the parties, participants, and proceedings. At the beginning of the live hearing, the Independent Decision-Maker will give an overview of the hearing process. During the hearing, the complainant and respondent will have the opportunity to present and challenge evidence. If the Independent Decision-Maker makes any credibility determinations about a hearing participant, those determinations will not be based on a person's status as a complainant, respondent, or witness.

The complainant and the respondent are permitted to make an **opening statement** to the Independent Decision-Maker at the beginning of the live hearing. Similarly, both parties are permitted to make a **closing argument** to the Independent Decision-Maker at the conclusion of the live hearing. Either party may elect to have their advisor make their opening statement, closing argument, or both. The opening statement and closing argument each must not exceed ten (10) minutes in length.

The EORC Office will make any such evidence that was subject to the parties' inspection and review prior to the completion of the investigative report available at any hearing to give each party equal opportunity to refer to such evidence during the hearing.

### *Relevance of Evidence*

All evidence presented during the live hearing must be relevant. A piece of evidence is relevant if (i) it has any tendency to make a fact more or less probable than it would be without the evidence; and (ii) the fact is of consequence in determining the case.

The Independent Decision-Maker may ask questions and will permit each party's advisor to submit questions, and follow up questions, including those that challenge credibility, but all questions submitted must be relevant. If a party does not have an advisor present at the hearing, the University will provide that party an advisor of the University's choice at no cost to that party. If the Independent Decision-Maker makes any credibility determinations about a hearing participant, those determinations cannot be based on a person's status as a complainant, respondent, or witness.

All questions and evidence about the complainant's sexual behavior or predisposition are irrelevant and therefore must be excluded from evidence during the live hearing, unless: (i) such evidence about the complainant's sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or (ii) the evidence concerns specific incidents of the complainant's sexual behavior with respect to the respondent and is offered to prove consent.

### *Investigator as A Witness*

The Investigator(s) may be called as a witness by either party or the Independent Decision-Maker to present information regarding the investigation. As with any witness, the Investigator(s) will not testify

whether a Policy violation occurred nor be asked his or her opinion about the respondent's responsibility or lack thereof but will only testify to his or her first-hand knowledge of the facts gathered during the investigation. In addition, the Investigator(s) may testify as to any factual inconsistencies found during the investigation.

#### *Standard of Evidence to be Applied*

In reaching a determination regarding responsibility, the Independent Decision-Maker will apply a **preponderance of the evidence standard**. This standard requires a showing that a particular party's evidence is more credible or convincing than that presented by the other party, or a showing that the fact to be proven is more probable than not.

#### *The Decision of the Independent Decision-Maker*

The decision of the Independent Decision-Maker regarding the respondent's responsibility as well as possible sanctions will be determined within two (2) business days of the completion of the live hearing.

The Independent Decision-Maker will issue a **written determination regarding responsibility**, which will include: (i) identification of the allegations potentially constituting sexual harassment; (ii) findings of fact supporting the determination; (iii) conclusions regarding the application of the University's Policy to the facts; (iv) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the University will impose on the respondent, if any, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the complainant; and (v) the University's procedures and permissible bases for the complainant or the respondent to appeal the decision. The complainant and the respondent will be notified of the hearing panel's determination simultaneously.

The determination regarding responsibility becomes final on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

#### *Recording the Live Hearing*

The Independent Decision-Maker will create an audio recording, audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

#### **Disciplinary Sanctions**

The University's Interpersonal Violence and Sexual Misconduct Policy encompasses a wide range of prohibited conduct. As such, depending upon the facts and circumstances of a particular Policy violation, sanctions resulting from a finding of responsibility may range from a verbal reprimand to expulsion from the University. Sanctions are enforced immediately upon determination of the violation.

The following list encompasses all possible sanctions that may be imposed by the University:

- **Oral reprimand:** An oral statement of disapproval with or without written follow-up communication.
- **Written reprimand:** A written notice to the respondent of the inappropriate nature of the conduct.
- **Disciplinary probation:** Probation accompanied by a written reprimand to the respondent for violation of the Interpersonal Violence and Sexual Misconduct Policy. Probation is for a definite period of time and includes the possibility of more severe sanctions if the respondent is found responsible for violating any other University rules and regulations during the probationary period.

- **Loss of privileges:** Denial of specified privileges for a designated period of time. This may include, but is not limited to, loss of visitation rights, denial of participation in specific programs, denial of participation in University-related organizations or groups, denial of the right to attend University-sponsored events, and denial of access to campus resources or facilities.
- **Restitution:** Reasonable compensation for loss, damage, or injury to the appropriate party. Restitution may take the form of community service, monetary compensation, or material replacement.
- **Community service:** Assignments for the benefit of the University or community. Community service assignments must be approved by the Assistant Director of EORC.
- **Assessment:** A respondent may be required to attend sessions with a counselor for an assessment, either through the University's Counseling Center, Student Health Services, or an outside provider.
- **Substance abuse education:** A respondent may be required to meet with a substance abuse educator or attend programs designed to help the student deal with substance abuse issues and learn from the experience.
- **Educational project(s):** A respondent may be required to participate in educational projects that will enhance the educational impact of the grievance process on the respondent, which may include oral or written reports to the Assistant Director of EORC. Educational sanctions are designed to increase the respondent's understanding of how his or her behavior affects others.
- **Suspension:** Separation of the respondent from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. This sanction will be noted on the academic transcript of the respondent. Academic coursework completed during a respondent's suspension will not be accepted as transfer credit.
- **Expulsion:** Permanent separation of the respondent from the University community without the possibility of readmission. This sanction will be noted on the academic transcript of the respondent.
- A **combination** of any of the above sanctions.
- **Other remedies:** Though not a disciplinary sanction, the Independent Decision-Maker may order remedies which are designed to restore or preserve equal access to the University's education program or activity by the University to the complainant.

### *Appeals*

If a party wishes to appeal a determination regarding responsibility, including sanctions, or a dismissal of a formal complaint or any allegations therein, that party may submit a written appeal to the Appellate Consideration Board for the University within ten (10) business days.

### *Bases for an Appeal*

The University will offer both parties an appeal from a determination regarding responsibility, including sanctions, and from the University's dismissal of a formal complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Assistant Director of EORC, Investigator(s), or Independent Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
- The grievance process described in the University's Interpersonal Violence and Sexual Misconduct Policy was not followed;

- The conduct alleged does not fall within the jurisdiction of the University’s Interpersonal Violence and Sexual Misconduct grievance process; or
- The sanctions imposed by the Independent Decision-Maker were not appropriate for the violation that the respondent was found to have committed.

***After an Appeal Has Been Filed***

The non-appealing party will be notified in writing when an appeal is filed. The complainant and respondent will be provided a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the grievance proceeding giving rise to the appeal. The decision-maker for the appeal will not be the Assistant Director of EORC, Investigator(s), nor the Independent Decision-Maker that reached the determination regarding responsibility or dismissal of a complaint giving rise to the appeal.

***Review by the Appellate Consideration Board***

The Chancellor of the University has delegated final authority of review to the Appellate Consideration Board. The Appellate Consideration Board will review the written request for appellate consideration, the case file, and any audio recording, audiovisual recording, or transcript of the live hearing. The Appellate Consideration Board may request new information or material from the complainant, respondent, Independent Decision-Maker, conduct officers, Assistant Director of EORC, Investigator(s), or witnesses. In determining the merit of an appeal, the Appellate Consideration Board will not substitute its judgment for the decision of the Independent Decision-Maker that presided over the live hearing.

***The Decision of the Appellate Consideration Board***

After reviewing the appeal and the documents related to a case, the Appellate Consideration Board will make a decision based upon the basis or bases of the appeal.

For appeals based on a claim of **procedural irregularity** that affected the outcome of the matter, the Appellate Consideration Board may:

- (i) reduce or change the sanction to something similar or less than the original sanction,
- (ii) remand the case to the Independent Decision-Maker with specific questions and/or instructions to consider, or
- (iii) remand the case to a new designated Independent Decision-Maker for a new live hearing.

For appeals based on a claim of **new evidence** that was not reasonably available at the time the determination regarding responsibility was made, which affected the outcome of the matter, the Appellate Consideration Board may:

- (i) uphold the decision and/or sanction as the new evidence would not affect the rationale of a designated Independent Decision-Maker, or
- (ii) remand to the Independent Decision-Maker with specific instructions concerning the review of the new material.

For appeals based on a claim that the Assistant Director of EORC, Investigator(s), or Independent Decision-Maker had a **conflict of interest or bias** for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter, the Appellate Consideration Board may:

- (i) uphold the decision and/or sanction as the conflict of interest or bias did not affect the outcome of the matter, or
- (ii) remand the case to a new designated Independent Decision-Maker for a new hearing.

For appeals based on a claim that the **grievance process** described in the University's Interpersonal Violence and Sexual Misconduct Policy was not followed, the Appellate Consideration Board may:

- (i) uphold the decision and/or sanction,
- (ii) remand the case to the Independent Decision-Maker with specific instructions, or
- (iii) remand the case to a new designated Independent Decision-Maker for a new hearing.

For appeals based on a claim that the conduct alleged does not fall within the **jurisdiction** of the University's Interpersonal Violence and Sexual Misconduct grievance process, the Appellate Consideration Board may:

- (i) uphold the decision and/or sanction,
- (ii) remand the case to the Independent Decision-Maker with specific instructions, or
- (iii) remand the case to a new designated Independent Decision-Maker for a new hearing.

For appeals based on a claim that the **sanctions** imposed by the Independent Decision-Maker were not appropriate for the violation that the respondent was found to have committed, the Appellate Consideration Board may:

- (i) reduce or change the sanction to something similar or less than the original sanction, or
- (ii) remand to the Independent Decision-Maker with specific questions and/or instructions to consider.

The Appellate Consideration Board will issue a written decision describing the appeal and the rationale for the result, which will be provided to the parties simultaneously.

### **Emergency Removal of a Respondent**

The University maintains the authority to remove a respondent from its educational programs or activities on an emergency basis if, after undertaking an individualized safety and risk analysis, it is determined that a respondent poses an immediate threat to the physical health or safety of any students or other individual arising from the allegations of sexual harassment that justifies removal, and the University provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

### **Amnesty**

To encourage University community members to timely seek medical care and to promptly report allegations of sexual harassment and other conduct prohibited by this Policy, the University offers amnesty to those individuals the EORC Office learns has voluntarily consumed alcohol or other drugs relating to the alleged incident under investigation. Students who have consumed or possessed alcohol or drugs during the circumstances related to or involving the incident alleged in a Interpersonal Violence and Sexual Misconduct report or formal complaint will not face conduct proceedings nor be otherwise sanctioned for such conduct under the University's drug and alcohol policies. This amnesty extends to complainants, respondents, and any witnesses making a report, formal complaint, or participating in an investigation or proceeding in any manner pursuant to this Policy.

The University may require an individual to undergo non-punitive alcohol or drug education or training if it appears to the Assistant Director of EORC that the individual may be at risk with regard to the health and safety and/or social complications that accompany the repeated and excessive use of alcohol or drugs.

### **Retaliation**

Retaliation against an individual who initiates a complaint alleging a violation of this Policy, participates in an investigation, or pursues legal action, is prohibited. Accordingly, the University nor any person may

intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by law or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by law or this Policy, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this provision. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this provision does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Any person, whether a complainant, respondent, or witness, who is concerned they have experienced retaliation may file a complaint under this Policy, which the EORC Office will promptly investigate. The Assistant Director of EORC may implement supportive measures or take other remedial action in response to allegations or threats of retaliation prohibited by this Policy. These measures may include, but are not limited to academic accommodations, No Contact directives, changes in course schedules, and modifications to housing assignments.

Disciplinary sanctions may be issued against anyone determined to have engaged in retaliation, including individuals who are acting on behalf of the respondent or complainant, with or without the knowledge of the complainant or respondent.

### **Confidentiality and Privacy**

The University will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant under this Policy, and individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness in a Interpersonal Violence and Sexual Misconduct grievance process. Confidentiality will be maintained, except where a disclosure is required by applicable law or necessary for the conduct of any investigation, hearing, or proceeding under this Policy.

Even where an individual requests privacy or confidentiality, employees who receive a report of sexual misconduct must share that information with the Assistant Director of EORC unless otherwise exempt by state or federal law or other University policy. This disclosure is necessary because the employee may have a continuing obligation to maintain campus safety. The Assistant Director of EORC will then determine whether further investigation is warranted, notwithstanding the request for privacy or confidentiality.

A complainant has the autonomy to decide whether or not to file a complaint and whether or not to participate in a Interpersonal Violence and Sexual Misconduct grievance process. However, the Assistant Director of EORC may determine that the circumstances of an alleged incident are so severe or that the allegations otherwise indicate there is an ongoing danger to the complainant and/or members of the University community such that action must be taken on the part of the University beyond the action requested by the complainant. The Assistant Director of EORC has the discretion to proceed with an

investigation into a potential violation of this Policy, without the complainant's involvement, by signing a formal complaint against the respondent.

When determining whether to proceed without cooperation from the complainant, the Assistant Director of EORC will weigh a number of factors. Examples of factors the Assistant Director of EORC will consider include: the risk of the respondent committing additional acts; if the respondent has threatened to commit additional acts; if other complaints have been reported about the same respondent; if the complaint involves multiple respondents; the respondent's history of arrests or other conduct records; the involvement of a weapon; the ages of the complainant and respondent; whether the respondent is in a position of authority over the complainant; whether the allegations involve violence or serial predatory conduct and the University's ability to move forward with the investigation without the complainant.

If the Assistant Director of EORC moves forward with the investigation, with or without the complainant's participation, information will only be shared with those individuals who are responsible for handling the school's response to the complaint and those necessary to the investigation. The Assistant Director of EORC will inform the complainant, to the extent possible, of individuals with whom information about the complaint will be shared.

### **Contact Information**

The University's Assistant Director of EORC oversees policies and procedures that apply to reports and formal complaints alleging sex discrimination (including sexual harassment, sexual assault, and sexual violence) by employees, students or third parties. Responsibilities performed in this Policy by "the Assistant Director of EORC" may be performed by the Assistant Director of EORC, or by another University employee trained by, and acting under the supervision of, the Assistant Director of EORC. Contact information for The University of Mississippi's Assistant Director of EORC is listed below.

#### **Honey Ussery**

Assistant Director of Equal Opportunity  
& Regulatory Compliance and Title IX Coordinator  
[titleix@olemiss.edu](mailto:titleix@olemiss.edu) or [hbusser@olemiss.edu](mailto:hbusser@olemiss.edu)

P.O. Box 1848  
120 Lester Hall  
Phone: (662) 915-7045  
Fax: (662) 915-1229

### **Observance of Local, State, and Federal Laws DSA.SC.200.085**

Students at the University of Mississippi are expected to refrain from conduct that violates local, state, or federal laws, regulations, ordinances, or executive orders. Students who fail to behave lawfully risk criminal prosecution or civil penalties, in addition to student conduct sanctions.

### **Simultaneous University, Local, State, or Federal Actions DSA.SC.300.035**

The University of Mississippi's conduct system is designed to promote the University's educational mission. The process is separate and distinct from any federal, state, or local criminal or civil court system. To ensure that the educational potential of the process is preserved, the university should provide a prompt response to behavior that is inconsistent with university policies. University conduct proceedings will not be delayed until off-campus proceedings are concluded.

If a violation of university policy also subjects a student or organization to criminal or civil liability, the university conduct system will determine whether university policy has been violated on the basis of preponderance of the evidence (whether it is more likely than not that a violation occurred). Criminal or civil proceedings may use a different or higher standard of evidence.

The University conduct system may accept a criminal conviction or plea by any trial court of competent jurisdiction as a final factual determination that the student has violated applicable University policy.

The university conduct process does not affect the jurisdiction of the courts and other civil authorities over any University of Mississippi student. Membership in the university community does not create any privilege or immunity from the laws and other regulations that apply equally to all residents of the state of Mississippi.

### **Violation of Other Applicable University Policies DSA.SC.200.090**

Students at The University of Mississippi have the responsibility to comply with all other generally applicable University policies including but not limited to Alcohol, Drugs, Tobacco Use, the Title IX and Interpersonal Violence and Sexual Misconduct policies, academic misconduct policies, and the Information Technology Appropriate Use Policy.

### **Game Day and Game Day Activities and Events DSA.SC.200.095**

On game day and during game related activities and events, students will demonstrate respect for the dignity of each person, civility, and integrity by honoring University policies. Examples of game day and game related activities include, but are not limited to, the following: pre-game activities and events, being present at game venues, walking to and from game venues, being present in the Grove on game days, walking to and from the Grove on game days, post-game activities or events, etc. On game day and at game related activities and events, students arrested or issued a University citation for criminal behavior by the University Police Department will be subject to student conduct charges and proceedings.

If the receipt of a University citation leads to a student being found responsible for violating a related University policy through the University conduct process, the student will receive the following minimum sanctions:

#### **Student's first offense:**

A fine not to exceed \$200 and/or community service, and students will receive a warning.

#### **Student's second offense:**

A fine not to exceed \$225 and/or community service, and students must complete a fan conduct course and pay related fees associated with the course. The fan conduct course must be completed before students can attend the next athletic or sporting event. A certificate of completion must be submitted to the Office of Conflict Resolution and Student Conduct at least 48 hours before the start of the next athletic or sporting event. Students who do not complete the conduct course will no longer be able to attend

athletic and sporting events until the course is completed. Also, students may be subject to additional conduct charges and proceedings.

**Student's third offense:**

A fine not to exceed \$500 and/or community service, and students will lose their privilege to attend all athletic and sporting events for the remainder of the academic year. When a third offense occurs in the summer or late in the Spring semester, the student's loss of privileges may extend to the following academic year.

Students will receive the above sanctions, in addition to the Minimum Sanctions for Alcohol and Other Drugs under DSA.SC.300.025, if applicable.

**IT Appropriate Use Policy  
ACA.IT.100.010**

This policy sets forth the privileges of and restrictions on students, faculty, staff, and other users with respect to the computing and telecommunications systems offered by the University of Mississippi (UM). This is not limited to desktop/laptop systems, hand-held/mobile computers, lab facilities, centralized servers, classroom technology, the wired and wireless campus networks, cloud-based services, etc. This policy defines and gives examples of various sorts of activities which are detrimental to the welfare of the overall community and which are therefore prohibited. It also describes the process by which violators are identified, investigated, and disciplined. It should be noted that certain legal activities are in violation of this policy and are prohibited with respect to University computing and network systems. This policy is designed to protect the University community from illegal or damaging actions by individuals, either knowingly or unknowingly. Inappropriate use exposes the University to risks, including virus attacks, compromise of network systems and services, legal issues, and possible financial penalties. This policy directly addresses copyright issues related to illegal downloads and peer-to-peer file sharing.

**Pledge to Students, Faculty and Staff**

The University of Mississippi is committed to maintaining its leadership position in the use of computer and communication technologies to facilitate learning. The University promises to provide, as rapidly and as economically as is feasible, the following:

- **to students**, access to their information anywhere on campus.
- **to faculty**, the resources necessary to enhance teaching, learning and research.
- **to staff**, the tools necessary for a responsive service environment.

The University will normally respect privacy and attempt to safeguard information but cannot guarantee these privileges absolutely: **The University can examine, at any time, anything that is stored on or transmitted by University-owned equipment.**

The University reserves the right to limit access to its networks when applicable university policies or codes, contractual obligations, or state or federal laws are violated but does not monitor or generally restrict the content of material transported across those networks.

The University reserves the right to remove or limit access to material posted on university-owned computers when applicable university policies or codes, contractual obligations, or state or federal laws are violated, but does not monitor the content of material posted on university-owned computers.

## **Responsible Use of Email and Other Electronic Mediums**

UM recognizes the utilization of electronic communications as an efficient and necessary method of conducting business and advancing its mission of creating and disseminating knowledge. Electronic mail (email) and electronic collaboration tools such as instant messaging and chat solutions should be used with the same care and discretion as any other type of official university communication.

### Principal Priorities of Email:

1. Official UM email correspondence must originate from a UM email account on the UM Mail (Microsoft 365) servers or a registered, on-campus, or cloud based departmental email server. Exceptions include email to support instructional activities, which may originate from UM Gmail, and extenuating circumstances where access to UM email accounts is limited.
2. Official UM email correspondence must be concise, professional, and free of personal expressions inappropriate for a business or academic environment.
3. Email communications must not be unethical, fraudulent, harassing, obscene, or perceived to be a conflict of interest or contain sensitive/confidential information (i.e. credit card numbers, social security numbers, etc.) as defined by the IT Security Policy.
4. File attachments sent via email must be scanned using current anti-virus software prior to sending the transmission. Any file attachment that is received must be scanned prior to opening the file.
5. Users must not allow anyone else to send email using their accounts.

### Principal Priorities of Instant Messaging, Chat or other collaboration solutions:

1. Official UM correspondence must originate from a UM account on the UM servers or a registered, on-campus, or cloud based departmental service. Exceptions include extenuating circumstances where access to UM services are limited.
2. Official UM correspondence must be concise, professional, and free of personal expressions inappropriate for a business or academic environment.
3. Communications must not be unethical, fraudulent, harassing, obscene, or perceived to be a conflict of interest or contain sensitive/confidential information (i.e. credit card numbers, social security numbers, etc.) as defined by the IT Security Policy.
4. File attachments must be scanned using current anti-virus software prior to sending the transmission. Any file attachment that is received must be scanned prior to opening the file.
5. To keep distractions on all parties to a minimum, set your status to reflect that you are on a call, away or busy so others are aware.
6. Users must not allow anyone else to send messages using their accounts.

**UNIVERSITY-OWNED** computer and network resources, including Internet connections and bandwidth, exist to advance the mission of the University. The University will manage these resources accordingly. Technologies such as Internet2 are provided for specific purposes. The primary goals of Internet2 are to create a leading-edge network capability for the national research community, to enable revolutionary Internet applications, and to ensure the rapid transfer of new network services and applications to the broader Internet community (see internet2.edu). The University authorizes the IT department to create and enforce appropriate management policies that are supportive of the goals of these technologies.

*Examples:* The University reserves the right to send official notices to all student/faculty/staff email accounts. Campus webmasters should use discretion when linking to non-University websites. You may not install software on University-owned computers that interferes with day-to-day work or hinders the professional operation of University computers or networks. You may

not set up a networked server on campus that results in the monopolization of network bandwidth or interferes with access to online academic resources.

University resources include technology provided to the university and owned/operated by a third party (cellphones, cellular hotspots, etc.) the users of which must adhere to university policies.

Technology provided to you by the University is for completing work efficiently and effectively and should not be shared except for university-related purposes. Any personal use, intentional or unintentional, that incurs a cost to the University must be reimbursed.

Visitors to the university may use wired and wireless networks and technology configured for public access as long as they follow this IT Appropriate Use Policy. University employees may authorize their guests to use the wireless network. In these instances, the employee who authorizes the access is responsible for the actions of the guest.

Individual departments may place additional restrictions on personal use of the resources by their employees.

**YOU MAY NOT** use personal email accounts to conduct official UM business.

*Examples:* Personal email accounts include, but are not limited to, accounts such as username@gmail.com, username@hotmail.com, username@yahoo.com, etc.

The University recognizes that there may be extenuating circumstances where communication is required but access to UM email accounts is limited, e.g., emergencies. In these cases, employees are encouraged to be resourceful in accomplishing their work and always mindful of related security issues.

### **Provisions**

You are entitled only to one person's fair share of University resources unless written permission to the contrary has been granted by the Chief Information Officer (CIO). See <http://www.olemiss.edu/depts/it/policy> for other technology-related policies.

The following list includes examples of prohibited activities, and is not inclusive of everything that is a violation:

**YOU MAY NOT** use the University computing or telecommunications systems to violate copyright law. Copyright law limits the right of a user to copy, download, distribute, edit, or transmit electronically another's intellectual property, including written materials, images, videos, software, games, sounds, music, and performances, even in an educational context without permission. Violations of copyright law may include giving others unauthorized access to copyrighted materials by posting that material on social networking sites, downloading from Internet websites or through peer-to-peer (P2P) file sharing any material owned by another without the owner's permission, or sharing files that include copyrighted material with others through peer-to-peer software or networks. Peer-to-peer is a method of file sharing that allows normal users ("peers") to connect directly to other users to share files. This can be contrasted with a server-based distribution method, where users connect to a server (such as a web server via their browser) to download files. If you have P2P file-sharing applications installed on your computer, you may be sharing copyrighted works without even realizing it. Even if you do not intend to engage in infringing activity, installing P2P software on a computer can easily result in you unintentionally sharing files

(copyrighted music or even sensitive documents) with other P2P users, and you may then be personally responsible for the legal and financial consequences.

*Examples:* You use a file-sharing program or client, like BitTorrent, Gnutella, and LimeWire, Kazaa, BearShare, or others, to download or distribute movies, songs, games or software without authorization from the copyright owner. RIAA (Recording Industry of America) and MPAA (Motion Picture Association of America) can and do aggressively look for these violations. Alternatively, if you join iTunes and purchase several songs to play on your iPod, this is not a violation of copyright law.

In addition to the penalties outlined elsewhere in this policy, infringement of copyrighted work, including unauthorized P2P file sharing, may also involve civil lawsuits by the copyright owner. Possible penalties include actual damages and profits or statutory damages of up to \$30,000 or more for each work infringed (or up to \$150,000 or more for each willful infringement), court costs, attorney fees, and other civil damages. Criminal penalties for willful infringement may include, depending upon the value of the work(s) infringed, fines and imprisonment for up to 3 years or more as provided in 18 USC 2319.

Please be aware that there are many legal alternatives for downloading media such as iTunes, Pandora, Netflix, and Amazon MP3. A list of popular, legal, fee-based and free alternatives is available to you at: <http://www.educause.edu/legalcontent>.

See the [Higher Education Opportunity Act](#) (HEOA) and related federal regulations at 34 C.F.R. §§ 668.14 (b)(30) & 668.43(a)(10) for other copyright-related requirements for US colleges and universities.

**YOU MAY NOT** steal, forge, lie or cheat with; snoop on; tamper with; misuse, damage, harass with; threaten with; hoard or monopolize; interfere with; violate the confidentiality of; masquerade with; or destroy any information, resource, equipment or software. This includes using your personal computing device for these activities against other users or against their information resources.

*Examples:* You must not access the account of another; you must not generate activities which consume more than your share of either system time or network bandwidth (including chain letters); you must not fraudulently log into any computer, etc. (Reference: [http://www.lexisnexis.com/hottopics/mscode/\(97/045\)](http://www.lexisnexis.com/hottopics/mscode/(97/045))) You must not upload, post, or transmit content that is threatening, harassing, defamatory, libelous, invasive of another's privacy. This includes but is not limited to social networking sites, blogs, email or other electronic correspondence. You must not forge email headers or manipulate other identifiers in order to disguise the origin of any system or network activity.

**YOU MAY NOT** possess any software, resource, or equipment whose purpose is to effect one of the violations listed in the previous Provision nor may you attempt to violate the previous Provision. Any such attempt will be considered to be the same as a violation.

*Example:* You must not have in your account on any University-owned system or on your personal computer programs that attempt to determine the passwords of others or obtain privileges on any computer to which you are not entitled. If you attempt to obtain system privileges to which you are not entitled, you are as guilty as if you had succeeded.

**YOU MAY NOT** possess, willingly receive, or distribute obscene material.

*Examples:* Child pornography is absolutely against the law. It is a violation of Federal law to transmit this material across state lines, even electronically, and certain obscene materials are in violation of the Mississippi Code. (References: [http://www.lexisnexis.com/hottopics/mscode/\(97/005/0029\)](http://www.lexisnexis.com/hottopics/mscode/(97/005/0029)) and [http://www.lexisnexis.com/hottopics/mscode/\(97/029/0101\)](http://www.lexisnexis.com/hottopics/mscode/(97/029/0101)))

**YOU MAY NOT** violate the IT Appropriate Use Policy off-campus anywhere in the world using University resources.

*Example:* An attempt to gain unauthorized entry to any computer off the University campus is as if you attempted to gain access to a computer here.

**YOU MAY NOT** use any University facility for non-University commercial business or advertising, including unsolicited commercial email without written permission from the Provost and the CIO. This includes partisan political activities; however, any officially sanctioned University student group may maintain an official Web page which presents objective information about the group itself. Commercial sponsorship of academic projects, e.g., the inclusion of banner ads on project web sites, is allowed in certain cases. These requests must be approved by the CIO.

*Examples:* You may not use the statistics software on the academic shared systems to do work for off-campus entities for which you are paid. The Young Democrats/Republicans may have a page that presents information about their activities and goals; they may not attempt to influence voters' choices through that page. The sending of unsolicited bulk email or messaging (spamming) is not allowed when it is unrelated to the University's mission.

**YOU MUST** connect all equipment and install all software in a manner that meets the technical, security and fair use standards set by the Office of Information Technology (IT).

*Examples:* All IP addresses and domain names are owned and assigned by the IT as specified in the UM Policy for Domain Name Registration. World Wide Web, ftp, and other network services that interfere with fair network use by others may be restricted by IT. You must follow proper use guidelines when using classroom technology, e.g., powering down projectors according to vendor specifications. Improperly secured and patched systems are vulnerable to attack from outside entities and may be used as platforms to propagate spam, computer virus and worm's to other hosts both on the campus and abroad resulting in loss of bandwidth and possible restrictions to other computer systems; accordingly, compromised systems will be disconnected from the campus network as soon as they are detected.

**You must take full responsibility for what you publish, transmit, or possess.**

### **Penalties**

If you are suspected of violating this Policy, the University may impound any equipment, device, software, documents, or data that is involved. A search warrant will be obtained before impounding items not owned by the University.

If you have violated the Policy, you will incur the same types of disciplinary measures as violations of other University policies. Violation of state or federal free/statutes may lead to criminal or civil prosecution.

*Students:*

Campus disciplinary measures may include, but are not limited to, failure in a class, permanent or temporary loss of information technology privileges, suspension or expulsion from the University, and restitution of expenses as well as charges for damages.

***Faculty and Staff:***

Campus disciplinary measures may include, but are not limited to, reassignment of duties, transfer, censure, suspension, termination, and restitution of expenses as well as charges for damages.

***Off-campus Users:***

The University may revoke the privileges of users who are found to be in violation and may report any serious violation to the user's home campus authorities and to appropriate law enforcement officials.

**Investigation and Disciplinary Action**

Violations are most likely to be observed in two ways:

- A system administrator detects an anomaly and, in determining the cause of the problem, finds evidence of a violation.

**Caution:** In exceptional cases, a system or network administrator may detect evidence of a violation while performing his or her duties operating or maintaining a system. In these instances the priorities of protecting the University against seriously damaging consequences and/or safeguarding the integrity of computers, networks, and data either at the University or elsewhere, may make it imperative that the systems administrator take temporary restrictive action immediately. In these instances, all restrictive actions taken must be documented and justified in accordance with this policy. The Complaint Committee and/or IT Security Coordinator must be immediately contacted so the complaint can be further investigated and processed.

- An individual observes what is perceived to be a violation. The office to be notified is determined by the status of the suspected violator:
  - Students: Suspicious activities should be reported to the Dean of Students.
  - Faculty: Suspicious activities should be reported to the Provost.
  - Staff: Suspicious activities should be reported to the Vice Chancellor for Administration and Finance. [Minor infractions by any account holder may be reported directly to the Complaints Committee ([complaint@olemiss.edu](mailto:complaint@olemiss.edu)).]

The Complaints Committee accepts reports of minor infractions (anything which is not serious and which should be correctable by pointing out the infraction to the offender, e.g., a business card on a web page) and attempts to resolve them within seven business days. If not resolved, the violator is reported through the IT Security Coordinator to his or her administrative office for stronger action. The systems administrator of a compromised system is free at any time to take immediate action to safeguard the University's infrastructure, including working with campus security to obtain a search warrant at the first sign of suspicious activity. IT personnel will also document the actions taken from the point of discovery and will prepare a non-technical narrative for the use of the University. The CIO or designee may authorize monitoring of systems to gather information on any activity that is using University-owned equipment or services. These activities will be logged by the systems administrator when undertaken and will be conducted in an appropriate manner approved by the IT Security Coordinator and the CIO.

Incidents will be reported by the systems administrator to the IT Security Coordinator, possibly the Complaints Committee, and, in addition, to the appropriate disciplinary office(s) (Dean of Students, Provost, or Vice Chancellor of Finance & Administration). These units will authorize such additional steps as may be necessary to collect evidence, including the execution of a search warrant, and setting the scope

and duration of the investigation. The Complaints Committee and the IT Security Coordinator will work with the disciplinary office to decide when to notify the individuals involved that they are under investigation. If non-University service providers are involved, they will consult with the University Attorney and the CIO to notify them as soon as it is prudent to do so.

The collected evidence and the documents that record the actions of the systems administrator, IT staff, and the Complaints Committee will be forwarded to the disciplinary office for adjudication together with a recommendation on any loss of privileges with respect to computing and telecommunications systems. The disciplinary office will report the outcome of the case to the IT Security Coordinator and to the CIO. In the case of suspected criminal violations, the University Police will be involved.

The accused has the right to petition the disciplinary office for the release of impounded material and the restoration of privileges. That decision may or may not precede the disposition of the case. In any event, any such decision must be communicated to the IT Security Coordinator and the systems administrator. Faculty and staff members against whom disciplinary action is taken may follow the prescribed methods for the resolution of work-related conflicts, including the filing of a grievance.

### **Applicable Mississippi Laws**

The following are examples of violations of the laws of the State of Mississippi (Mississippi Code of 1972 <http://www.lexisnexis.com/hottopics/mscode/> (97/045/0011)

- Public display of sexually oriented materials in a venue likely to be visited by minors in the normal course of business. (Reference: <http://www.lexisnexis.com/hottopics/mscode/> (97/005/0029)
- Intentional deceit of anyone as to your true identity for the purpose of obtaining anything of value. You should not use someone else's email account at all, but to do so for personal gain is illegal. (Reference: <http://www.lexisnexis.com/hottopics/mscode/> (97/019/0085)
- Profane or indecent language in a public place. A web page which resides on a University server is a public place. (Reference <http://www.lexisnexis.com/hottopics/mscode/> (97/029/0047)
- Publishing or exhibiting obscene materials. (Reference <http://www.lexisnexis.com/hottopics/mscode/> (97/029/0101)
- Hacking or passing along hacker information concerning a computer, computer system, or network to another person. Obtaining services to which you are not entitled and either inserting or changing system files are all illegal. (Reference: <http://www.lexisnexis.com/hottopics/mscode/> (97/045/0003)
- Blocking another user from using a system he/she is entitled to use. (Reference: <http://www.lexisnexis.com/hottopics/mscode/> (97/045/0005)
- Using or sharing the results of cracking a password file. This may result in up to five years in jail and a fine of up to \$10,000. (Reference: <http://www.lexisnexis.com/hottopics/mscode/> (97/045/0005)
- Intentional modification or destruction of computer equipment or supplies. (Reference: <http://www.lexisnexis.com/hottopics/mscode/> (97/045/0007)
- Erasing, modifying, sharing, or using the information in the files of another user. (Reference: <http://www.lexisnexis.com/hottopics/mscode/> (97/045/0009)
- All of the activities outlined in the Mississippi Code are unlawful if the user was physically in Mississippi when the act was committed, was committing the act against a computer or system in Mississippi, or used a computer or network in Mississippi as a relay point. (Reference: <http://www.lexisnexis.com/hottopics/mscode/> (97/045/0011)

## **Structure of The University Conduct System**

### **DSA.SC.300.001**

The University Conduct System, under the direction of the Office of Conflict Resolution and Student Conduct and the Department of Student Housing, is composed of administrative hearing officers, the University Judicial Council, the Department of Student Housing hearing body, and the Appellate Consideration Board. These bodies hear and/or review cases of nonacademic misconduct. Cases involving academic misconduct or academic dishonesty should follow the separate disciplinary processes set forth by the Office of the Provost. Cases involving claims of sexual misconduct, sexual harassment, or interpersonal violence are handled by the Office of Equal Opportunity and Regulatory Compliance and Title IX.

With the agreement of all primary parties, the University may, at any point in the conduct process, offer an alternative dispute resolution option in lieu of formal student conduct proceedings.

Also, incidents involving student organizations may, at any point in the conduct process, be referred to the appropriate governing body for resolution.

#### **University of Mississippi Judicial Council**

The University Judicial Council is the primary fact-finding and decision-making body in the University conduct system. The Council consists of a student judicial chair, at least ten students (one of whom will serve as assistant student chair), at least five faculty, and at least five staff members. A representative from the Office of Conflict Resolution and Student Conduct serves as the advisor to the council.

The Student Judicial Chair is elected by the student body through the University's annual Associated Student Body (ASB) campus-wide elections. The remaining student members are selected by a process determined by the ASB. The Student Judicial Chair shall appoint an assistant student chair.

The University Judicial Council, acting through a panel of at least six members (five members plus the chair or assistant chair presiding), hears and decides cases involving alleged individual or organizational violations of University policy. Decisions of the University Judicial Council are final yet subject to appeal. For cases related to sexual misconduct, please review the conduct process outlined within the University's policy on sexual misconduct.

#### **Appeals Process**

Outcomes involving violations of University policy heard by the University Judicial Council or the Department of Student Housing hearing body may be appealed to the Appellate Consideration Board. Cases submitted for appeal will be considered by a panel of at least three members of the Appellate Consideration Board, chaired by the Vice Chancellor for Student Affairs or his or her designee.

#### **Other Hearing Bodies**

The hearing official under the University's Title IX and Interpersonal Violence and Sexual Misconduct policies is the Independent Decision-Maker.

Individual colleges, schools, and professional programs may also have their own processes for student discipline and/or make academic judgments based on a student's fitness for continuance in his or her respective program of study. In addition, the Department of Student Housing may place a student's Housing contract under review for alleged University policy violations.

## **Initiation of University Conduct Proceedings**

### **DSA.SC.300.002**

Any member of the university community may submit a complaint alleging a violation of University policies. All complaints must be submitted to the Office of Conflict Resolution and Student Conduct in writing. Complaints should include the date of the alleged violation and facts to support that a violation of university policy has potentially occurred. Any complaint should be submitted as soon as reasonably possible after the event occurs.

The Office of Conflict Resolution and Student Conduct will review the allegations in the complaint to determine whether the University has jurisdiction. If the University has jurisdiction over the conduct, the Office of Conflict Resolution and Student Conduct will respond in one of the following manners:

- (1) Assign charges to the student or organization identified in the complaint;
- (2) Refer parties involved in the complaint to alternative dispute resolution; or
- (3) Determine that the complaint warrants no further action and dismiss the complaint.

The determination to initiate University charges is final and not appealable. All allegations of sexual assault, sexual harassment, or relationship violence will be referred to the University's Title IX coordinator in the Office of Equal Opportunity and Regulatory Compliance or his or her designee.

In addition, the Office of Conflict Resolution and Student Conduct may assign charges on behalf of the University to a student or organization based on information received in a police report or court docket regarding conduct on or off campus, an incident report submitted by a member of the Department of Student Housing staff, or a report submitted to the Office of Conflict Resolution and Student Conduct from a University department or community member.

The Office of Conflict Resolution and Student Conduct may dismiss a complaint at any stage if it reasonably believes that the complaint is baseless, unsupported, or is more educational if resolved in a different manner.

## **University Conduct Process**

### **DSA.SC.300.010**

Below is the outline for the complete University conduct process. (For processes related to Title IX and Interpersonal Violence and Sexual Misconduct, see policies ACA.EO.100.012 and ACA.EO.100.022).

#### **Notice of Allegations**

When a report from student(s) or any other party (complainant(s)) includes an allegation of a policy violation against a student or recognized student organization, the Office of Conflict Resolution and Student Conduct will assign a conduct officer. A conduct officer is an individual who has the authority to initiate conduct proceedings. The conduct officer will send the involved student(s) or organization (respondent(s)) written notification in the form of an email or letter to meet for an intake meeting. This notice will inform the respondent of the specific policy, rule, or regulation that the student or organization is alleged to have violated; the date, time, and place of the intake meeting; and any other information deemed pertinent to the specific case.

### **Intake Meeting**

At the intake meeting, the conduct officer will review respondent's rights and responsibilities and discuss the allegations with the respondent. One of the following options generally result from the intake meeting: (1) the conduct officer chooses to investigate or continue to investigate the matter; (2) the conduct officer determines that there is no conduct violation or the respondent is not responsible for the violation; (3) the respondent admits responsibility for the violation(s) and accepts the sanction outcome offered by the conduct officer in the form of an Administrative Agreement; (4) the conduct officer refers the case for alternative dispute resolution or mediation; or, (5) the conduct officer forwards the case the University Judicial Council or designated governing body (hearing body) for a hearing.

If the parties agree for the case to be resolved by an Administrative Agreement, the complainant and respondent waive all right to appeal, and the outcome and sanctions assigned in an Administrative Agreement are final.

The intake meeting is usually the initial contact that the Office of Conflict Resolution and Student Conduct has with a student to discuss an allegation or concern. It is an important step of due process and it is important for the University and the respondent. As a result, a \$20 fee will be assessed if a respondent misses their first intake meeting (DSA.SC.300.011). If the respondent fails to attend a second scheduled intake meeting, the conduct officer may determine the next appropriate step towards resolving the matter.

### **Notice of Hearing**

Prior to the hearing, the respondent will be provided written notice of the allegations and the date, time, and place of the hearing.

### **Hearing Process**

Below are hearing procedures of the University Judicial Council; similar procedures will be followed for all hearing bodies within the University conduct system. These procedures assume an intake meeting has taken place or that the Office of Conflict Resolution and Student Conduct or other conduct officer has determined that the case should immediately be forwarded to a panel for hearing.

- a. Hearings held through the University conduct system are closed to the public.
- b. Student conduct hearings are not intended to be adversarial but educational, and conducted in an atmosphere of informality and fairness. Formal rules of process, procedure, and/or technical rules of evidence such as those applied in criminal or civil court are not used in the University conduct process.
- c. The chair of the hearing body, with the support of the Office of Conflict Resolution and Student Conduct or other hearing officer, shall notify all interested parties of the hearing, their rights at the hearing, and distribute copies of all relevant materials to the parties and members of the hearing body before the hearing. The chair will preside over the hearing and, at the beginning of the hearing, the chair will explain the process that will be followed.
- d. During the course of the hearing, the chair of the hearing body, with the support of the Office of Conflict Resolution and Student Conduct, shall make all procedural and evidentiary determinations, which are final.

- e. In determining whether the respondent is responsible for violations of University policy, the University conduct system may consider information upon which institutions normally make academic and business judgments including, but not limited to, pertinent records, exhibits, and oral and written statements.
- f. If the University alleges a policy violation based upon the student's criminal conviction (including a plea of guilty) by any trial court of competent jurisdiction, the criminal conviction may be accepted as a final factual determination that the student has violated applicable University policy. The function of the University's conduct process shall be limited to determining the appropriate University sanction. A finding in a criminal matter that the student is not guilty (or if criminal charges are dismissed) is not proof that the student did not violate applicable University policy because the standard of proof in a criminal matter is different than the standard in the student conduct process.
- g. During the proceeding, complainants are responsible for supporting their allegations, and respondents are responsible for responding to the allegations. All parties have the right to have an advisor attend the hearing; however, advisors are not permitted to speak or participate directly in the hearing, and are limited to speaking only to the party they are advising. The parties may request to have one additional advisor at the hearing. This request must be submitted in writing to the Office of Conflict Resolution and Student Conduct at least 72 hours before the proceeding.
- h. The parties shall have the right to present witnesses and/or witness testimony for the hearing body's consideration.
- i. As the parties present information for the hearing body's consideration, members of the hearing body (including the chair), the respondent, and the complainant, when applicable, may ask questions of the parties and other witnesses concerning the information presented or other information pertinent to the allegation.
- j. Refusal to respond to questions posed during a hearing may lead to an adverse inference by the hearing body concerning the subject matter of the question posed, and this adverse inference, if applicable, may be one factor (but not the sole factor) considered by the hearing body in making its decision.
- k. In a case in which the respondent accepts responsibility for the allegations, the hearing body may proceed directly into deliberation concerning appropriate sanctions rather than hear evidence of the allegations. The parties will have the opportunity to make a final statement prior to deliberations.
- l. At the conclusion of all evidence, the hearing body will deliberate in private and will determine by majority vote whether it is more likely than not that the respondent violated University policy. If the respondent is found responsible for misconduct, the hearing body will determine appropriate sanctions.
- m. In cases involving harm to another member of the University community, the impacted party will have the opportunity to provide a written impact statement. This statement will be considered when determining sanctions, but only after a determination of responsibility is

made.

- n. Hearings involving several students or organizations may be consolidated if the Office of Conflict Resolution and Student Conduct, or other conduct officer, finds that the issues involved arise from a common nucleus of facts and circumstances.
- o. All hearings will be audio recorded and will be made available (in the Office of Conflict Resolution and Student Conduct) to the respondent or complainant upon request during the period in which an appeal may be filed or is pending.

### **Failure to Appear**

If a complainant or respondent fails to attend a hearing, the hearing body will determine to dismiss the allegation or to proceed with the hearing. A decision regarding responsibility and, if applicable, a sanction may be made in the respondent's absence.

### **Appeal**

If a complainant or respondent wishes to appeal a determination regarding responsibility, sanctions, or a dismissal of any allegations, that party may submit a written appeal to the Appellate Consideration Board for the University within ten (10) business days of the determination or dismissal giving rise to the appeal.

#### *Bases for Appeal*

The University will offer both parties an appeal from a determination regarding responsibility, sanctions, and dismissal of any allegations, on the following bases:

- i. Procedural irregularity that affected the outcome of the matter
- ii. New evidence that was not reasonably available at the time the determination regarding responsibility, sanctions, or dismissal was made, that could affect the outcome of the matter;
- iii. The hearing body had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
- iv. The sanctions imposed by the hearing body were not appropriate for the violation that the respondent was found to have committed.

#### *After an Appeal Has Been Filed*

The non-appealing party will be notified in writing when an appeal is filed. The complainant and respondent will be provided a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the proceeding giving rise to the appeal.

#### *Review by the Appellate Consideration Board*

The Chancellor of the University has delegated final authority of review to the Appellate Consideration Board. The Appellate Consideration Board will review the written request for appellate consideration, the case file, and any audio recording, audiovisual recording, or transcript of the live hearing. The Appellate Consideration Board may request new information or material from the complainant, respondent, other relevant parties. In determining the merit of an appeal, the Appellate Consideration Board will not substitute its judgment for the decision of the hearing body that presided over the hearing.

#### *The Decision of the Appellate Consideration Board*

After reviewing the appeal and the documents related to a case, the Appellate Consideration Board will

make a decision based upon the basis or bases of the appeal.

For appeals based on a claim of **procedural irregularity** that affected the outcome of the matter, the Appellate Consideration Board may: (i) remand the case to the hearing body with specific questions and/or instructions to consider, or (ii) remand the case to a new hearing body for a new hearing.

For appeals based on a claim of **new evidence** that was not reasonably available at the time the determination regarding responsibility was made, which affected the outcome of the matter, the Appellate Consideration Board may: (i) uphold the decision and/or sanction if the new evidence would not affect the rationale of a hearing body, or (ii) remand to the hearing body with specific instructions concerning the review of the new material.

For appeals based on a claim that the hearing body had a **conflict of interest or bias** for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter, the Appellate Consideration Board may: (i) uphold the decision and/or sanction if the conflict of interest or bias did not affect the outcome of the matter, or (ii) remand the case to a new hearing body for a new hearing.

For appeals based on a claim that the **sanctions** imposed by the hearing body were not appropriate for the violation that the respondent was found to have committed, the Appellate Consideration Board may: (i) reduce or change the sanction to something similar or less than the original sanction, or (ii) remand to the hearing body with specific questions and/or instructions to consider.

The Appellate Consideration Board will issue a written decision describing the appeal and the rationale for the result, which will be provided to the parties simultaneously.

### **Impacted Party Notification**

The Office of Conflict Resolution and Student Conduct will disclose to impacted parties the results of any disciplinary proceeding conducted by the institution. If the impacted party is deceased as a result of the offense, the information shall be provided, upon request, to the next of kin of the impacted party.

### **Actions Including Student Holds**

If a respondent fails to appear in response to a notice of an intake meeting, a notice of hearing, or a notice to appear before any University hearing body, and/or if a respondent receives sanctions based on a finding that they were in violation of a University policy and has neglected to complete those sanctions, a hold may be placed on the respondent's account. A hold restricts a respondent's ability to conduct the following nonexclusive list of activities: register for classes, drop or add classes, and other administrative privileges. It is within the discretion of the Office of Conflict Resolution and Student Conduct to place a hold and to determine under what circumstances a hold may or may not be released.

### **Students with Disabilities**

University policy calls for reasonable accommodations to be provided to students with disabilities on an individualized and flexible basis as mandated in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Students with disabilities who require an accommodation in order to complete any appeal or proceedings noted above should contact the University department handling the appeal or proceedings.

Students may also contact the Office of Student Disability Services for assistance and referral. More information regarding the Office of Student Disability Services can be found at [www.olemiss.edu/depts/sds/](http://www.olemiss.edu/depts/sds/) or by visiting the Office of Student Disability Services located at 334 Martindale Student Services Center.

### **University Student Organizational Conduct DSA.SC.200.100**

When student organizations decide to affiliate with the University of Mississippi, they accept the rights and responsibilities of membership in the community. Student organizations pledge to uphold values identified in the university creed and encourage others to follow their example.

When a student organization acts in a manner inconsistent with university policy, they may be subject to University conduct charges and proceedings.

### **University Organizational Conduct Process DSA.SC.300.050**

#### **Student Organizational Conduct Intervention Team**

The Office of Conflict Resolution and Student Conduct, acting on behalf of the Dean of Students, is responsible for the management of the student organizational conduct process and acts as judicial officers for the case. The Student Organizational Conduct Intervention Team (SOCIT) maintains the responsibility of aiding the Office of Conflict Resolution and Student Conduct (CRSC) in ensuring that each Student Organization receives a fair and timely investigation and process.

The Dean of Students (or designee) oversees membership of the team. Generally, the team will consist of at least one representative from the Gertrude C. Ford Ole Miss Student Union, Office of Fraternity and Sorority Life, and Department of Campus Recreation; in conjunction with the CRSC staff and the Dean of Students (or designee).

The primary goal of the team is to act as consultants for CRSC in the policy, procedure and process that addresses Student Organizations. The SOCIT acts as a consulting group for CRSC in decisions regarding the transition from incident to case file, investigation to adjudication, and the creation of effective and consistent sanctioning.

#### **1. Notice of Allegations Organizations**

When an allegation is received against a student organization, the Office of Conflict Resolution and Student Conduct will send the organization written notification. This notice will inform the organization of the allegations and the specific potential policy, rule, or regulations the student organization may be charged with having violated. Generally, the notice will be sent to the organization's president. Also, the notice will include the time, date, and location of an intake meeting to respond to the allegations.

#### ***Advisors***

In addition to providing notice of allegations to the student organization, the Office of Conflict Resolution and Student Conduct will notify the organizational advisor on record of the allegations and the specific

policy, rule, or regulations the student organization may be charged with having violated. The notice will include the time, date, and location of an intake meeting to respond to the allegations.

#### ***National or International Organization***

If an allegation includes dangerous organizational misconduct and/or a serious injury or death, the Office of Conflict Resolution and Student Conduct will notify the national or international organization of the allegations and the specific potential policy, rule, or regulations the student organization may be charged with having violated. Also, national or international organizations will be notified if an organization is issued interim measures under DSA.SC.300.030.

## **2. Intake Meeting**

During the intake meeting, the student organization will be informed of the conduct process, the incident and potential charges. If it is appropriate for the incident to be resolved informally through alternative dispute resolution, the Office of Conflict Resolution and Student Conduct or Dean of Students Office will work with the organization to develop an agreement, and the case will be closed as soon as the terms of the agreement are met. If informal resolution is not an option, based on the serious nature of the allegations or the organization's response, the incident will be resolved through an administrative agreement or forwarded to the University Judicial Council or appropriate governing council.

## **3. Resolution Options**

#### ***Administrative Agreement***

Generally, if an organization accepts responsibility for the allegations described in the complaint, the organization can enter into an administrative agreement with the Office of Conflict Resolution or the Office of the Dean of Students depending on which office managed the case. This agreement will include sanctions and educational measures the organization agrees to complete.

#### ***Hearing***

Generally, if a student organization denies responsibility for the allegations in the complaint, the case will be forwarded to the University Judicial Council or designee, and the hearing process will be followed as outlined in University of Mississippi Policy, DSA.SC.300.010.

#### ***Appeal***

Under certain conditions, the organization may appeal the findings and/or sanctions of the hearing board. The process of appeal is outlined in University of Mississippi Policy DSA.SC.300.010.

### **University Conduct System Authority and Jurisdiction DSA.SC.300.015**

The authority and jurisdiction of the University conduct system is established pursuant to the delegation of legal authority by the Chancellor and the Board of Trustees of State Institutions of Higher Learning. In Article IX, section (5) of the Bylaws and Policies of the Board of Trustees of State Institutions of Higher Learning, the Chancellor of The University of Mississippi is charged with the responsibility of maintaining appropriate standards of conduct for students and is authorized to expel, dismiss, suspend, and/or place limitations on continued attendance and/or levy penalties for disciplinary violations subject to procedures of due process. The Chancellor exercises this delegated authority through the University conduct system and other University processes.

Student Conduct Rules and Regulations, the Interpersonal Violence and Sexual Misconduct Policy, and the jurisdiction of the University conduct system apply to conduct that occurs on University premises, at University sponsored or associated events or activities, and to off-campus conduct that has institutional implications. The Office of Conflict Resolution and Student Conduct or the Equal Opportunity and Regulatory Compliance & Title IX Office will determine whether the University conduct system has jurisdiction to apply the student conduct rules and regulations occurring off campus on a case-by-case basis consistent with applicable federal law. This determination is final.

When determining whether the University has jurisdiction to address off-campus student conduct, the following will be considered:

- Whether the student was acting as a representative of the University;
- Whether the student was traveling to or from campus;
- The degree of violence that occurred;
- Injuries to students or others;
- The extent of danger or disruption posed to the University community;
- Whether the conduct was directed at another member of the University community;
- Whether a student organization was involved;
- Whether the incident could result in a misdemeanor or felony charge;
- Whether weapons, drugs, or alcohol were involved;
- The date of the incident;
- The conduct history of student(s) involved;
- The proximity to campus;
- Whether the student lives on campus; and/or
- The relationship the University has with the student at the time of the alleged violation.

Title IX and its implementing regulations specify the extent to which the University may exercise jurisdiction over conduct proscribed by Title IX and occurring within a University educational program or activity. Conduct that falls outside the jurisdiction of Title IX is subject to the Interpersonal Violence and Sexual Misconduct Policy.

All students are responsible for their conduct from the time of application of admission through the actual awarding of a degree, even though conduct may occur between terms of actual enrollment and even if the conduct is not discovered until after a degree is awarded.

The University conduct system is designed to further the University's educational mission. The conduct system is neither comparable to nor a substitute for any federal, state, or local criminal or civil court system. Even if a violation of University policy subjects a student or organization to criminal or civil liability, the determination of whether University policy was violated will be made on the basis of a preponderance of the evidence (whether it was more likely than not that a violation occurred). Any criminal or civil proceeding may use a different or higher standard of proof. It is important for students to realize that each judicial proceeding occurs on a separate track, and it is not necessary for any campus process to be delayed until off- campus proceedings are completed.

## **Disciplinary Sanctions**

### **DSA.SC.300.020**

Sanctions are designed to promote the University's educational mission. When developing sanctions, all circumstances surrounding the incident should be taken into consideration including aggravating or mitigating factors. Examples of aggravating or mitigating factors include a student's or organization's prior conduct history, harm caused or danger posed to the University community, and/or whether the misconduct was committed because of the actual or perceived race, color, ancestry, ethnicity, religion, national origin, gender, sexual orientation, sexual identity, gender expression, or genetic identity of a person.

Students who fail to complete assigned sanctions in the prescribed time may experience a conduct hold being placed on the student's account or the application of the "Educational Non-Compliance Sanction Policy" under DSA.SC.300.021. In addition, students and organizations that fail to complete sanctions may be charged with "Disregard for University Authority" under DSA.SC.200.010. (9). The Office of Conflict Resolution and Student Conduct, in collaboration with the Dean of Students may notify national or regional governing bodies with which the organization is associated or which sponsors social, academic, or sports events, and may work collaboratively with these entities to create and enforce sanctions.

While the disciplinary sanctions included in the policy are non-exclusive, the following are examples of possible sanctions that students and organizations may receive for violating University policies:

#### **Individual Students**

**Oral Reprimand:** An oral statement of disapproval with or without written follow-up communication.

**Written Reprimand:** A written notice to the student of the inappropriate nature of the conduct.

**Disciplinary Probation:** A written reprimand to a student. Probation is for a definite period of time and includes the possibility of more severe sanctions if the student is found responsible for violating any University policy during the probationary period.

**Loss of Privileges:** Denial of specified privileges for a designated period of time. This may include, but is not limited to, loss of visitation rights, denial of participation in specific programs, denial of participation in University-related organizations or groups, denial of the right to attend University-sponsored events, and denial of access to campus resources or facilities.

**Fines:** Monetary fines may be assigned.

**Restitution:** Reasonable compensation for loss, damage, or injury to the appropriate party. Restitution may take the form of community service, monetary compensation, or material replacement.

**Community Service:** Assignments for the benefit of the University or community. Community service assignments must be approved by the Office of Conflict Resolution and Student Conduct or other appropriate hearing body or officer.

**Assessment:** A student may be required to attend sessions with a counselor for an assessment, either through the University's Counseling Center, Student Health Services, or outside provider.

**Substance Abuse Education:** A student may be required to meet with a substance abuse educator or attend programs designed to help the student deal with substance abuse issues and learn from the experience.

**Parental Notification:** Parents may be notified of violations of the alcohol and drug policies if the student is under the age of 21.

**Educational Project:** Actions that will enhance the educational impact of the student conduct process on the student, which may include oral or written reports to the appropriate hearing body or officer. Educational projects are designed to increase the student's understanding of how his or her behavior affects others.

**Suspension:** Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. This sanction will be noted on the academic transcript of the student.

Academic coursework completed during a student's suspension will not be accepted as transfer credit.

**Expulsion:** Permanent separation of the student from the University Community without the possibility of readmission. This sanction will be noted on the academic transcript of the student.

### **Student Organizations**

**Oral Reprimand:** An oral statement of disapproval with or without written follow-up communication.

**Written Reprimand:** A written notice to the organization of the inappropriate nature of the conduct.

**Disciplinary Probation:** A written reprimand to an organization. Probation is for a definite period of time and includes the possibility of more severe sanctions if the organization is found responsible for violating any University policy during the probationary period.

**Social Probation:** Prohibits an organization from sponsoring or participating in any organized social activity, party, or function.

**Loss of Use of Common Spaces:** The prohibition against using any common spaces at the University for organizational purposes

**Loss of Alcohol Privileges:** A total ban of alcohol at any organizational event, activity, and/or facility.

**Loss of Privileges:** Denial of specified privileges for a designated period of time. This may include, but is not limited to, denial of participation in specific programs, denial of the right to attend University-sponsored events, and denial of access to campus resources or facilities.

**Fines:** Monetary fines may be assigned.

**Restitution:** Reasonable compensation for loss, damage, or injury to the appropriate party. Restitution may take the form of community service, monetary compensation, or material replacement.

**Community Service:** Assignments for the benefit of the University or community. Community service assignments must be approved by the Office of Conflict Resolution and Student Conduct or other appropriate hearing body or officer.

Educational Project: Actions that will enhance the educational impact of the student conduct process on the organization, which may include oral or written reports to the appropriate hearing body or officer. Educational projects are designed to increase the organization's understanding of how its behavior affects others.

Loss of Membership Recruitment: The prohibition of any event or activity with the goal of increasing student membership or interest in joining the organization for a designated period.

Suspension of Recognition: Separation of the organization from the University for a specified period during which the organization loses recognition by the University, and all rights and privileges to University services. Organizations that have been suspended, must cease all organizational activities. Upon conclusion of the suspension, the organization must apply for readmission to the University and/or readmission for registered Student Organization status. Any attempts to restructure or create a new organization may result in individual conduct charges and could impact the opportunity for the organization to be reinstated.

Loss of Recognition: A student organization may lose its recognition on campus as a registered student organization.

Recommendation for Charter Revocation: An official request to a national office that the local chapter's charter be revoked.

### **Educational Sanction Non-Compliance and Monitoring Policy DSA.SC.300.021**

As a University, the purpose of the conflict resolution and student conduct process is to support students as they overcome mistakes and to provide a process to adjudicate possible violations of University policy when appropriate and necessary. As a result, students who have been documented for allegedly violating University policy will be provided due process notice and time to meet with a University hearing officer to discuss the circumstances and their involvement (if any). If the student accepts responsibility or is found to be responsible for violating University policy (including the Student Conduct, Title IX, or Interpersonal Violence and Sexual Misconduct policies), an educational sanction may be imposed as a method to support learning and to assist in repairing harm to self, others, and/or the community as a whole. A sanction may also result from an informal resolution (mediation) between a respondent and complainant. Once a sanction is assigned an original sanction deadline date will be provided to the student in writing. Under this policy proposal, failure to complete the prescribed educational sanction by the original assigned deadline will result in the following:

#### **Failure to Complete Sanction, FIRST OFFENSE:**

Failure to complete the assigned sanction by the original assigned deadline shall result in a monetary fine of \$150.00 applied to the student's account **AND** a revised sanction completion deadline will be provided to the student in writing.

#### **Failure to Complete Sanction, SECOND OFFENSE:**

Failure to complete the assigned sanction by the revised 1st offense deadline shall result in a monetary fine of \$300.00 applied to the student account **AND** a revised sanction completion deadline will be provided to the student in writing.

**Failure to Complete Sanction, THIRD OFFENSE:**

Failure to complete the assigned sanction by the revised 2nd offense deadline shall result in the student being placed on a deferred suspension status with a final deadline for sanctions to be completed in full to avoid being suspended from the University for Disregard of University Authority and Failure to Comply with the assigned University educational sanctions.

**Deferred Suspension**

“Deferred suspension is a designated period of time during which you are given the opportunity to demonstrate the ability to abide by community expectations of behavior articulated in Student Conduct Rules and Regulations. During a deferred suspension, you will be officially suspended from the University, but the suspension will be deferred, meaning that you may continue to attend classes at this time, however, the suspension will be automatically enforced for failure to complete any assigned sanctions by the deadline and/or for any subsequent violation of the Student Conduct Rules and Regulations, unless the Office of Conflict Resolution and Student Conduct determines otherwise in exceptional circumstances.”

If a party fails to satisfy any sanction or provision resulting from an informal resolution agreement (including a Title IX or Interpersonal Violence and Sexual Misconduct mediation), the conduct officer or Title IX Coordinator may void the informal resolution agreement, restart the investigation or other components of the grievance process, and initiate this policy.

**Alcohol and Other Drug Violations Sanctioning Policy  
DSA.SC.300.025**

Alcohol and illegal drugs are inherently dangerous. The University recognizes that the abuse and misuse of alcohol and drugs can cause significant harm to students, student organizations, and the University community. The University values a safe and welcoming learning environment. As a result, the philosophy of the Alcohol and Other Drugs Sanctions Policy is based upon education, rehabilitation, and the health and safety of students and the larger university community.

**Policy:**

Any student or student group found in violation of a University policy regarding the use of alcohol or other drugs shall be subject to a range of possible outcomes that include but are not limited to: expulsion, suspension, probation, suspension of a student groups’ social activities, community service, and/or participation in an alcohol/drug education program for which there could be fees or fines.

To determine the appropriate sanction for a particular student or student organization, the Office of Conflict Resolution and Student

Conduct will consider the totality of the circumstances giving rise or related to the infraction, along with the following factors:

- the severity of the infraction
- the likelihood that alcohol and drug education will minimize the risk of repeat violations
- the scope of the damage or harm the infraction caused
- the likelihood that substance abuse/misuse education will encourage responsible behavior
- the benefits gained from restorative reconciliation where the student or student group: (i) accepts and acknowledges responsibility for the violation, and (ii) works to rebuild trust with the

university community through positive social behaviors, such as community service and other rehabilitative exercises, and

- whether the removal of the student or student group from the University community on a permanent or temporary basis is necessary to sustain a healthy and safe campus environment.

The above sanctions are appealable using the University's published student conduct process.

Students who are suspended or expelled from the University should be aware that this action may impact the following:

- tuition, residence hall costs and fees (suspension does not forgive financial obligations)
- student financial aid
- athletics participation and eligibility
- health insurance (students are encouraged to contact their personal health care provider)
- University housing
- meal plan
- use of University resources and access to University facilities
- immigration status for international students
- veterans and dependents of veterans
- internships, assistantships, and study abroad

The above list is not a complete list and does not include all potential consequences for suspension or expulsion.

The University may bring a charge under this policy against any student or student group committing any alcohol or drug-related offense that is otherwise sanctionable under the University's conduct policy describing the authority and jurisdiction of the University's conduct system. For students, such offenses include but are not limited to any drug-related crime, public intoxication, and driving under the influence of drugs or alcohol when the University is made aware of such offenses.

If the University brings a charge against a student based upon the student's criminal conviction by any trial court of competent jurisdiction or other court proceeding that includes an admission or finding of guilt, the admission or finding may be accepted as a final factual determination that the student has violated applicable University policy, and the sole function of the University's conduct process will be to determine the appropriate University sanction under this and other University policies.

### **Safety and Well-Being Amnesty DSA.SC.300.026**

The purpose of this policy is to define and describe "Safety and Well-Being amnesty" for potential alcohol, drug, hazing, and/or other policy violations. The policy seeks to encourage individuals and student organizations to seek the necessary proactive attention for community members who have over consumed alcohol or drugs, and/or who have engaged in or been subject to hazing behavior or other forms of misconduct which might jeopardize student safety. Similarly, if a student or student organization seeks assistance for an individual following an accident, assault, sexual assault, or incidence of interpersonal violence, the individual seeking assistance will not be subject to disciplinary action for the use of alcohol or drugs. The purpose of the Safety and Well-Being Amnesty policy is to ensure that concerns or fear of disciplinary and conduct sanctions do not deter students from seeking medical or other proactive assistance when the circumstances warrant. The University will decide on a case-by-case

basis whether a student is entitled to amnesty from charges and sanctions of the Office of Conflict Resolution and Student Conduct.

Under the Safety and Well-Being Amnesty policy, students or student organizations who seek proactive assistance on behalf of themselves or others experiencing an alcohol or drug related emergency will not be subject to disciplinary action under University Conduct Rules and Regulations. Although students who qualify for amnesty are exempt from the charges and sanctions from the Office of Conflict Resolution and Student Conduct, they may still be responsible for completing educational measures in relation to their alcohol or drug consumption, and/or hazing or other unsafe behavior. Educational measures may include, but are not limited to: parental notification if under the age of 21 for alcohol or drug violations, alcohol, drug, or hazing prevention education, or other supportive opportunities. Students who qualify for amnesty will still be required to meet with a University official.

However, when the call for emergency assistance is made by University employees acting within the scope of their responsibilities, amnesty is not available. In addition, law enforcement agencies may act within their own jurisdictions in enforcing local, state, and federal laws.

### **Interim Measures DSA.SC.300.030**

Under ordinary circumstances, a student or student organization alleged, being investigated, and/or charged with a violation of University policy may remain free to attend class and engage in all other University functions and activities. However, in certain circumstances outlined below, some or all of a student or student organization's privileges may be limited or suspended by the Assistant Vice Chancellor for Student Affairs and Dean of Students on an interim basis.

The Assistant Vice Chancellor for Student Affairs and Dean of Students may remove, limit, or suspend a student or student organization's privileges when he or she determines that it is necessary to do so for any of the following reasons:

1. To prevent a hostile environment
2. To ensure the safety and well-being of a person(s) in the University community
3. To protect the property of the University or of another person(s) within the University community; or
4. If there is a substantial likelihood that the student or student organization poses a threat of disruption or interference with the effective operation of the University.

Prior to imposing any interim measure(s) against a student or student organization, the Assistant Vice Chancellor for Student Affairs and Dean of Students will analyze the pertinent facts and circumstances and determine whether it is more probable than not that one or more of the stated grounds for any interim measure(s) exist.

When the interim measures are implemented, the student or student organization may request modifications to the interim measures by requesting a meeting with the Assistant Vice Chancellor for Student Affairs and Dean of Students within forty-eight (48) hours of receiving the notification of interim measures. At this meeting, any student or student organization seeking to modify an interim measure must present documentation or other information sufficient to show that it is more probable than not that a mistake of fact was made or the stated grounds for the interim measure do not exist. In Title IX cases, the standard for emergency removal set forth the Title IX regulations will be followed.

Examples of interim measures include, but are not limited to, the following: an interim suspension, temporary restrictions to campus or certain areas of campus, “no contact” letters, change in class or work schedule, restriction of access to University facilities or activities, housing relocation, and behavioral agreements. An interim measure does not replace the regular University conduct process, which shall proceed in the normal course up to and through a University conduct hearing and appeal, if applicable.

### **Conduct Record Retention DSA.SC.300.040**

Hearings held through the University conduct system are closed to the public. Suspension or expulsion from the University will be noted on a student’s transcript. Other sanctions will be noted within a student’s confidential conduct record maintained by the Office of Conflict Resolution and Student Conduct and the Department Student Housing. Student conduct records will not be disclosed to third parties except as required or permitted under Federal or State law. The Office of Conflict Resolution and Student Conduct, or other appropriate hearing body or conduct officer, will retain conduct records for at least seven years. Generally, conduct records will be reported to third parties, as permitted under law, for at least three years following a student’s graduation from the University or date of last attendance.

The retention of records concerning Title IX and Interpersonal Violence and Sexual Misconduct Policy cases is maintained by the Equal Opportunity and Regulatory Compliance & Title IX Office.

## SECTION III

### Behavioral Intervention Team (BIT)

The Behavioral Intervention Team (BIT) at the University of Mississippi exists to address student behavioral concerns that are not supportive of the faculty's pursuit of the university's central function or the student's fullest opportunity for success, and are not addressed by an existing agency of the university. Included in, but not limited to, the list of behaviors are threats, aberrant or strange behavior, violent or perceived violent behavior, repeated threats of suicide or violence against others. BIT shall make recommendations to the chancellor, provost, and vice chancellor for student affairs with regard to a student's ability to continue at the University of Mississippi. BIT does not pre-empt any other university department in performing its duties in enforcing the law or managing student situations.

In addition, it shall be the responsibility of the BIT to develop and review University policies which address such situations and behavior. The BIT will also educate faculty and staff members regarding students of concern and the referral process. For more information about the Behavioral Intervention Team or to report a person of concern, please visit the following website: <http://umatter.olemiss.edu/bit/>. In case of emergency, please call the University Police Department at (662) 915-4911.

#### Mandated Assessment

##### DSA.DS.500.001

The University of Mississippi is concerned for every student on our campus and for our entire campus community. In an effort to more effectively serve our students and our community, the Behavioral Intervention Team (BIT) put in place the following guidelines to help reach students who may be in need of support but who are unwilling or unable to take advantage of these services.

#### Definition

A mandated assessment is an opportunity for the University to determine if a student is in need of help or support. The assessment involves an individual meeting with a designated staff member at the University Counseling Center (UCC). Following this initial meeting, additional services may be deemed necessary by the designated counselor. These services could include, but are not limited to, referral to the University Psychiatrist for additional evaluation, additional sessions with the UCC counselor, or referral to outside agent for additional assessment.

#### Referrals

Any University employee or student may recommend a student to BIT for possible mandated evaluation. Reports also may come from parents or others concerned about a student. Once the BIT determines that a mandated assessment is necessary, the process is set into motion. More information about referring a student to BIT can be found on the [UMatter](http://umatter.olemiss.edu/) website: <http://umatter.olemiss.edu/>

#### Decision-Making

The decision is made by the BIT after careful consideration of the information given and a determination of the best course of action.

Behaviors that may lead to a mandated assessment include but are not limited to:

- Threat to self

- Threat to others
- Self-destructive behaviors
- Concern that the student may not be able to function in or remain in the academic community.

### **Confidentiality**

The session with the counselor is confidential. However, the student will be required to sign a release of information so that the counselor can communicate with BIT to help make recommendations for further action. In some cases, additional releases may be required to obtain all relevant information. No one else will have access to any information without written permission from the student being assessed. A file containing the full assessment will be maintained at the UCC. The summary of the assessment will be part of the student's file that is maintained by the Office of the Vice Chancellor for Student Affairs.

### **Process**

Once the BIT has determined that a mandated assessment is needed, the student will be contacted by a representative of BIT regarding an appointment with the UCC. This will take place as soon as possible. The assessment will be completed at the UCC, and the student will be asked to complete the typical intake information used by the UCC as well as information specific to the mandated assessment. In addition, the student will need to sign a release allowing the University Counseling Center to share information from the Mandated Assessment with the Behavioral Intervention Team. A summary of the student's assessment must be shared with the BIT as part of the Mandated Assessment process.

### **Outside Assessments**

A student may choose to have a similar assessment completed by a mental health professional who is a Licensed Professional Counselor, a National Board-Certified Counselor, a Licensed Psychologist, a Health Services Provider of Psychology, or a board-certified Psychologist who is authorized by his or her respective state and licensing boards to provide such assessments. The student will be responsible for the cost of this assessment and must sign a release allowing the UCC staff and BIT to communicate with the professional conducting the assessment.

### **Next Steps**

Following an assessment by a member of the UCC staff, a summary is provided to the BIT for review. In situations where an outside professional has conducted the assessment, a member of the UCC staff will review and send a summary of the assessment to the BIT.

After a summary of the assessment is provided to the BIT, the team will make the decision as to what actions are necessary for the University community. Possible outcomes following the assessment could include but are not limited to: no further action required (student continues enrollment at the University); referral to the University Psychiatrist for additional evaluation; additional sessions with the UCC counselor; referral to outside agency for additional assessment; possible judicial sanctions; or the invocation of the Involuntary Withdrawal Policy.

### **Appeals**

A student may appeal the final decision of BIT to the Vice Chancellor for Student Affairs. The appeal will follow the same guidelines outlined in the Involuntary Withdrawal Policy. Refusal to Comply If a student refuses to participate in the mandated assessment, the BIT will begin the process of invoking the Involuntary Withdrawal Policy. A mandated assessment will only be one part of the overall picture of the student and will not be the sole determining factor for action taken regarding the student.

## **Refusal to Comply**

If a student refuses to participate in the mandated assessment, the BIT will begin the process of invoking the Involuntary Withdrawal Policy. A mandated assessment will only be one part of the overall picture of the student and will not be the sole determining factor for action taken regarding the student.

## **Involuntary Withdrawal DSA.DS.500.002**

The University of Mississippi is committed to the well-being and safety of all its community members. Therefore, a student may be involuntarily withdrawn from the University if it is determined that the student presents a danger to others or is unable to function at the University. Decisions for involuntary withdrawal will be made by the Behavioral Intervention Team (BIT). A decision for involuntary withdrawal will only be made after less drastic measures have been considered and rejected as inappropriate or insufficient under the circumstances. Prior to any involuntary withdrawal, a student will be encouraged to withdraw voluntarily.

This policy does not take the place of disciplinary action for a student's violations of University policy. This policy is to be invoked only in extraordinary circumstances where it is determined that other policies are inadequate or inappropriate.

The standard for involuntary withdrawal is clear and convincing evidence that:

- The student represents a danger to others, or
- The student's behavior indicates that he or she is unable to function independently as a student, or the student's behavior is disruptive to the University community in a manner that significantly interferes with the rights of other students or with the ability of University staff members to perform their job functions, and
  - The problematic behavior cannot be remediated by reasonable accommodations, and
  - The student either refuses University services or the severity of the student's behavior indicates that treatment is beyond the scope of University services (for example, the student needs in-patient mental health care in order to control his or her disruptive behavior), or
- The student's behavior represents a danger to himself or herself and there is clear and convincing evidence that the student is no longer capable of making decisions in their best interests.

Disruptive behavior resulting in involuntary withdrawal may be a single, egregious episode, or repeated episodes of disruptive behavior that, taken individually, might not be grounds for withdrawal, but taken collectively, could be grounds for withdrawal. Disruptive behavior may include the student's inability to take care of their basic needs to the extent that this lack of self-care represents a threat to the health of the campus community.

University staff are committed to helping students, even those dealing with mental health issues. Therefore, students seeking treatment will not be involuntarily withdrawn from the University unless the student's behavior otherwise meets the standards for withdrawal under this policy. Furthermore, the University will not involuntarily withdraw a student simply because they exhibit eccentric or unusual behavior.

Prior to involuntarily withdrawing a student, BIT may require that the student undergo a mandatory assessment. The evaluation will not be required if BIT believes that such an assessment will not be helpful in arriving at a decision.

A student who is being considered for involuntary withdrawal shall be notified in writing by BIT. If the student would like to request an inquiry meeting before BIT to review the decision or provide additional information, they must request an inquiry meeting in writing within 48 hours of the initial notification. If a student requests an inquiry meeting, it will be conducted as soon as possible, but no later than seven calendar days after the request is made, unless both the student and BIT agree that a further postponement is necessary. While the inquiry meeting is pending, BIT may, for safety reasons, prohibit the student from being on campus or limit other student privileges or access to University facilities or resources.

The inquiry meeting will be informal. The student may bring a parent, an advisor, or a mental health professional to the meeting. The student will be allowed to present any evidence that he or she believes demonstrates that involuntary withdrawal is not necessary; however, BIT may decline to hear evidence that is irrelevant or redundant. If a student fails to appear at a scheduled inquiry meeting, BIT may, at its discretion, conduct the inquiry meeting in the absence of the student.

If BIT decides that involuntary withdrawal of a student is necessary, the student may appeal in writing to the Vice Chancellor for Student Affairs (VCSA), based on appeal criteria listed below. The student has 24 hours to notify their intent to appeal the involuntary withdrawal decision.

Following the notification of intent to appeal, the student has three (3) business days, exclusive of intervening holidays, to file their appeal unless a longer period of time is specified in writing by the VCSA. Upon receipt of the student's notice of intent to appeal, the VCSA will request a case summary document from the BIT. Once the student and the BIT have timely submitted written reports to the VCSA, the VCSA will, within five (5) business days, convene the BIT Appellate Consideration Board, composed of administrative leadership in the VCSA office or an appropriate and qualified designee of the VCSA. No hearing will be provided upon appeal. The Board will rule as soon as possible, but no later than five (5) business days after convening. The decision of the BIT Appellate Consideration Board will be final.

**Basis for Appeal:**

The BIT Appellate Consideration Board will review the student's written request for appellate consideration, the case file, and the BIT meeting notes. Should the Board need to ask clarifying questions of the student or the BIT, it may do so via the most expedient method deemed appropriate. In determining the merit of an appeal, the BIT Appellate Consideration Board will not substitute their judgment for the decision of BIT.

Determination of merit will be based on the following:

- i. whether prescribed BIT procedures were followed;
- ii. whether the decision reached by the University hearing body was arbitrary and capricious (that is, the decision was not based on substantial evidence);
- iii. whether new evidence exists sufficient to alter the original decision that was not considered at the original hearing and was not known by BIT at the time of the hearing.

If a decision is made by BIT to involuntarily withdraw a student from the University, the members of BIT shall immediately prepare a list of offices to be notified of the decision. The list

shall include the offices of the Provost, the Registrar, the Dean of the School or College in which the student is enrolled, and UPD. Other offices may need to be notified as well, such as Student Housing and Financial Aid. Furthermore, BIT may notify any person or office, both on campus or off campus, of its decision if BIT determines such notification is necessary to protect the health and/or safety of either the student or third parties.

Students who are involuntarily withdrawn from the University will be allowed to petition BIT for readmission during a subsequent term. Students who have been involuntarily withdrawn will be required to present clear and convincing evidence that they no longer pose a danger to others and/or a disruption to the university community. BIT may impose reasonable conditions upon students who are readmitted after being involuntarily withdrawn. Failure to comply with conditions may result in the student being withdrawn from the University immediately.

Students denied readmission by BIT may follow the appeal process outlined above.

### **Missing Student Notification** **DSA.DS.600.001**

#### **Definitions:**

- A. **Student:** For purposes of this policy, a student is any person currently enrolled on the Oxford campus.
- B. **Residential Student:** A student who resides in on-campus housing under a housing contract/lease and is currently enrolled at the University.
- C. **Fraternity/Sorority Residential Student:** A student who resides in an on-campus fraternity or sorority house.
- D. **Missing:** A student may be considered missing if she or he is overdue in reaching home, campus, or another specific location past the expected arrival, additional factors lead University staff to believe she or he is missing, and a check of the student's residence supports that determination.

#### **Notification to Students**

Students will be given an opportunity during the fall term matriculation process to designate an individual to be contacted by the University if the student is determined to be missing.

Returning and transfer students will be given an opportunity to provide this information during the fall term. The designation will remain in effect until changed or revoked by the student.

The form provided for designation will state the circumstances in which the designated individual will be contacted and will include a statement that the University is required by law to also notify the student's custodial parent or guardian if the student is under 18, and not an emancipated individual, at the time he or she is discovered to be missing. If a student is 18 years of age or older and has not designated an individual to be contacted in the event the student is missing, the University will contact the individual that the student listed as an "emergency contact" at the time of enrollment. When a student is missing and the student failed to designate an individual to be contacted under those circumstances, university officials, in their sole discretion, may contact any person whom they believe may have information about the student's whereabouts.

## Procedures for Reporting and Investigating Missing Students

- A. Confirmed as a Student: Any University employee or student who receives information that a student is missing, and believes she or he is a student, must immediately report the information or evidence to the University of Mississippi Police Department (UPD).
- B. If the Person is a Student: UPD will conduct a preliminary investigation to verify the situation and to determine the circumstances that exist relating to the reported missing student. If UPD determines that the student should be considered missing, an officer will contact the Dean of Students, the appropriate outside law enforcement agencies, and, if necessary, the Department of Student Housing to provide the relevant information. The Dean of Students will relay pertinent information to the Vice Chancellor for Student Affairs.
- C. All pertinent law enforcement agencies, including, if known, those operating in the student's normal routes of travel or hometown, will be notified and requested to render assistance; all law enforcement agencies involved will receive routine investigation status reports during the course of the investigation. If UPD determines that the student should be considered missing, the person making the initial report will be encouraged to make an official missing person report to local police.
- D. If the student is a "residential student" or a "fraternity/sorority residential student," the Department of Student Housing or the Office of Fraternity and Sorority Life (fraternity/sorority residential student) will conduct a preliminary investigation to verify the situation and to determine the circumstances which exist relating to the reported missing student.
  1. A staff member will attempt to contact the student via her or his telephone by using the number(s) provided.
  2. If the student cannot be reached by telephone, a staff member will attempt to visit the on-campus room of the student in question to verify the student's whereabouts and/or wellness, and in some cases, deliver a message to contact a parent or family member who is searching for the student.
  3. If the student is not at the room, but the room is occupied, an attempt will be made to gain information on the student's whereabouts and/or wellness from the occupants.
  4. If there is no response to a knock on the door of the residence hall room or there are occupants who do not know of the student's whereabouts, a staff member will enter into the room in question, by key if necessary, to perform a health and safety inspection. The staff member will take note of the condition of the room and look for visible personal property (wallet, keys, cell phone, clothing, etc.) which might provide clues as to whether the student has taken an extended trip or leave from the residence hall.
  5. If the student is not found in the residence hall room or fraternity or sorority house, an attempt will be made to gain information on the student's whereabouts from roommates, other members of the residential community, or other friends.
  6. Staff members, at any step in the process, will report immediately any suspicious findings to UPD.

7. If these steps provide an opportunity to speak with the missing student, verification of the student's state of health and intention of returning to campus should be made.

A referral, if needed, may be made to the University Counseling Center or other medical agency. Once the student is found, UPD will be contacted to apprise them of the student's state of health and well-being.

If all of these steps do not provide an opportunity to speak with the missing student or to learn her or his whereabouts, UPD will contact, within 24 hours of the student being reported missing, the designated contact person as outlined above.

### **Absence from Class Notifications**

UMatter: Student Support and Advocacy can serve as a liaison for students in critical and/or life altering situations where students are unable to communicate with their faculty. Absence notifications forwarded by staff who work with Students of Concern provide information to faculty members but DO NOT EXCUSE ABSENCES nor serve as a request for a student's absences to be excused.

It is important to note that excused absences and makeup work are granted solely at the discretion of each class instructor, even if an absence notification is sent from the U Matter: Student Support and Advocacy. Students are strongly encouraged to communicate directly with their instructors regarding class absences. Additionally, Absence from Class Notifications are not necessarily retroactive. When a currently enrolled student has been affected by an emergency or crisis that causes one or more absences from class, the student should immediately contact his or her instructors. A student who cannot report the emergency or crisis because of hospitalization, emergency service, urgent travel needs, or incapacitation may rely on another party (parent, close relative, care giver, etc.) to report the absence(s).

Health care providers at the Student Health Center will not provide written explanations regarding absences from class for illnesses not diagnosed and treated at the Health Center.

Students with emergencies or instructors with questions should contact the U Matter: Student Support and Advocacy (662-915-7248).

## **SECTION IV**

### **Student Organizations**

#### **Participating in Student Organizations**

##### **DSA.DS.100.005**

University of Mississippi students have the right to participate in Registered Student Organizations (RSOs) and conduct social affairs. The activities of RSOs are governed by policies established by The Gertrude C. Ford Ole Miss Student Union department and the Office of Conflict Resolution and Student Conduct. Responsibility for the conduct of activities rests with the sponsoring organization. All RSOs are required to adhere to the policies, guidelines, and standards of behavior and conduct outlined by the University.

#### **Student Organizations Overview**

##### **DSA.DS.400.001**

Student organizations that obtain official recognition from the University of Mississippi are referred to as Registered Student Organizations (RSOs).

This policy outlines the rights and privileges RSOs are afforded, provides an overview of how to create a RSO, and details University expectations of RSOs.

All student organizations are subject to University policies and may face disciplinary action through the Office of Conflict Resolution & Student Conduct for violating such policies and other guidelines applicable to RSOs.

#### **Rights and Privileges of Registered Student Organizations**

All RSOs are afforded certain rights and privileges. Registered student organizations:

- May reserve available University facilities without charge or at discounted rates;
- May sponsor certain activities both on and off campus;
- Have the right to participate in numerous University-sponsored events including, but not limited to, Orientation, programs and involvement fairs;
- May request funding support from the Associated Student Body (ASB) and/or request funding support from University offices and departments;
- May apply for resources (i.e., space or storage) in the Gertrude C. Ford Ole Miss Student Union (OMSU);
- May receive assistance with marketing events through the OMSU, including a listing of the organization's name, contact information, and social media.

#### **Application to Create a Registered Student Organization**

Enrolled students desiring to form a RSO may complete an application to create a Registered Student Organization at any time. After signing in with a University Web ID & password, students are able to apply for a new student organization via the University's student organization management website, the Forum ([www.olemiss.edu/forum](http://www.olemiss.edu/forum)).

The virtual application requires the following:

- Names and University email addresses of student members (minimum of three) and designated leaders making the request;
- Name and University email address of a full-time University faculty and/or staff member who has agreed to 1) serve as the organization's advisor and 2) will sign an agreement outlining expectations;
- A constitution; and
- A risk management assessment (banking, travel, events, national affiliation information, etc.).

All new RSOs will be required to attend Registered Student Organization Orientation, which is held monthly.

### **Annual Renewal for Registered Student Organizations**

All University of Mississippi RSOs are required to renew their organization annually. This process is completed via the Forum. All RSOs must renew during their indicated month of officer transition (as indicated by the RSO's prior renewal).

The following information must be updated during the Annual RSO Renewal:

- Notification of any changes, additions, or edits made to the RSO's constitution since the last renewal;
- Changes to the RSO's contact information and basic profile;
- Updated roster information reflecting the membership and advisor of the RSO;
- Updated risk management assessment.

RSOs that fail to complete RSO Renewal by the established deadline will be declared inactive and will forfeit the rights and privileges granted to RSOs until the renewal is completed.

### **Registered Student Organization Orientation**

Registered Student Organization Orientation is coordinated by the OMSU. RSO Orientation is a required training that is held monthly, although RSOs only attend one orientation annually. Orientation sessions provide members of RSOs an overview of RSO expectations, available resources, pertinent dates and events, and the opportunity to ask desired questions.

Registered Student Organizations are required to have at least two members of their organization who are listed on the registration or renewal attend at least one RSO Orientation annually. At least one of these individuals must be a member of the RSO's executive leadership (the equivalent of what would be considered the president, vice president, treasurer, or secretary). If the RSO cannot arrange appropriate attendance at the RSO Orientation due to extenuating circumstances, alternative arrangements can be made with the Coordinator of Student Activities within the OMSU. In cases where an RSO does not meet this requirement, that RSO may be declared inactive and will forfeit rights and privileges granted to RSOs.

### **Registered Student Organization Digital Platform**

The Forum ([www.olemiss.edu/forum](http://www.olemiss.edu/forum)) is the official digital platform for RSO operations. The Forum may be accessed by logging into the following link using a student WebID and password.

### **Student Organization Handbook**

The University of Mississippi Policy Directory is the official governing document of the University, and RSOs are responsible for knowing and understanding the policies of the University of Mississippi. Any additional requirements for RSOs are outlined in the Student Organization Handbook. Registered

Student Organizations that fail to follow the policies and guidelines set forth in these documents may forfeit the rights and privileges granted to RSOs.

### **Registered Student Organization Classifications**

All Registered Student Organizations at the University of Mississippi must comply with University policies. If an RSO is given “sponsored” status, additional policies and procedures may be applicable.

### **Sponsored Registered Student Organizations**

The OMSU may designate a RSO as a Sponsored RSO. Sponsored RSOs are those Registered Student Organizations that work closely enough with a University department to receive direct support, endorsement, and/or supervision.

Sponsored RSOs must list the full-time professional staff or faculty member whose job description designates him/her as the primary adviser on the RSOs roster. Such advisers are considered experts within the respective RSO’s area of interest.

Sponsored RSOs are afforded certain additional benefits, such as access to a University Account, designated space (upon application and when available), and publicity opportunities.

Sponsored RSOs are also subject to additional policies and practices affiliated with associated University departments. This includes, but is not limited to, risk assessment and management training, budget reconciliation, community service requirements, fundraising expectations, membership dues, and officer elections.

### **General Registered Student Organizations**

The OMSU defines General RSOs as those not affiliated with nor receiving direct support, endorsement, and/or supervision from any University department. General RSOs must still have an actively involved faculty/staff advisor.

The University registers but does not support or endorse the purposes of these general organizations beyond normal activities and functions granted to any other organization and may not accept responsibility or liability for the activities undertaken by the Registered Student Organization.

### **On-Campus Housing**

Registered Student Organizations will not be officially recognized by the University, may lose official University recognition as a RSO, or may face other penalties or sanctions if it occupies an on-campus facility that is not equipped with an approved automatic fire sprinkler system to be in compliance with the National Fire Code (NFPA) Standard 13 as published by the National Fire Protection Association.

### **Use of University Logos**

With prior permission RSOs may use the University’s marks, logos, insignia, and trade dress in connection with the organization or its events if they receive such permission from the University of Mississippi Department of Licensing. Additional information regarding University guidelines for using licensed information and/or graphics of the University may also be located by going to the following website: (<http://csm.olemiss.edu/licensing>).

## **Registered Events** **DSA.DS.400.003**

Registered Student Organizations (RSOs) may sponsor a wide variety of events that include but are not limited to educational speakers, field days, races, social events, service opportunities, demonstrations, fundraisers, and other events. Events are encouraged when complementary to the academic mission of the institution. To achieve this end, the University has established guidelines for sponsorship, promotion, and execution of RSO events.

Registered Student Organizations are expected to follow the guidelines presented in this policy and all other University policies. Violations of any regulations may result in sanctions or discipline through the Office of Conflict Resolution and Student Conduct.

The event registration process is managed by The Gertrude C. Ford Ole Miss Student Union (OMSU) via the online student organization website, the Forum ([www.olemiss.edu/forum](http://www.olemiss.edu/forum)). The entire registration process **must be completed at least two (2) weeks prior to the event taking place**. The required two (2) weeks does not include the date of the event, recognized University holidays that fall on business days, or days that the University is closed.

All meetings with appropriate University departments must be completed before an event's registration is considered complete and must also be concluded at least two (2) weeks prior to the event; the University Police Department, Fire Protective Services, Parking & Transportation, the Department of Facilities Management, and the Department of Landscape Services are examples of some of the departments that may require meetings before an event's registration is complete.

### **Events Requiring Registration**

Registered student organizations must register an event if the event meets **ANY** (one or more) of the following criteria:

- Alcoholic beverages will be present at the event;
- More than 150 individuals are expected to be in attendance at the event;
- The event will be held outdoors;
- The event is open to off-campus guests; **and/or**
- The event will take place outside the Lafayette, Oxford, and University (LOU) area.

An RSO-sponsored event occurring anytime of the year (including summer) must be registered if it meets any one of the above criteria.

The only exception to the event registration requirement shall be regularly-scheduled meetings and regularly-scheduled meals. Registered Student Organizations should provide the OMSU notice of any such regularly-scheduled meetings or meals via the RSO renewal process in order for these events and meals to be exempted from this policy.

### **Time Restrictions for Events**

For organization events taking place on-campus Sunday through Thursday, the end time is 12:00 a.m. (midnight). The end time for on-campus events taking place Friday or Saturday is 1:00 a.m.

Events with alcohol may not extend beyond five consecutive hours.

## **Scheduling of Events**

The University of Mississippi is an institution of higher learning, and no event shall interfere with the academic mission of the institution. For this reason, no RSO shall be permitted to register, schedule, or host an event that will detract from the University's academic mission. The following scheduling limitations are applicable to all RSOs:

- Events cannot be scheduled during Dead Week nor during final examinations. This includes on-campus and off-campus events;
- Events taking place on-campus or off-campus cannot be scheduled at times that conflict with official University sponsored events, including but not limited to, University Commencement and New Student Orientation;
- Events scheduled to take place on-campus at times when the University is closed due to inclement weather or other unforeseen circumstances may not continue at the scheduled time. The OMSU will work with organizations impacted by this requirement to reschedule the event as quickly as possible;
- Events held on-campus where alcohol will be present will be limited to no more than five (5) scheduled overlapping events on the same date;
- The number of events scheduled on any given date may be limited due to finite resources and/or other University scheduled events that require the use of University resources.

## **Event Monitors**

The consideration of event monitors is a part of event registration. Event monitors are required when an event will include the presence of alcohol. For these events, one event monitor must be present for every fifty (50) guests.

Event monitors must be enrolled students and members of the RSO sponsoring the event. The University has the following expectations for event monitors at registered events:

- Wear identifiable badges provided by the OMSU;
- Remain sober for the duration of the event;
- Be present at the event's start time through the end time of the event.

All event monitors must complete Event Monitor Training. Event Monitor Training will take place regularly throughout the academic year.

## **Events Involving Alcohol**

Registered Student Organizations hosting events where alcohol may be present must adhere to all local, state, and federal laws, University of Mississippi policies, and all other policies outlined within the Student Organization Handbook, particularly the University's Alcohol policy.

Additionally, RSOs allowing the lawful consumption of alcohol at any event should be familiar with Mississippi's Social Host Law (Reference Miss. Code Ann. § 97-5-49 (2011)).

The hosting RSO should implement a sound risk management plan and will conform to the following standards and requirements:

- Provide written permission (i.e. contract) from the venue/vendor in which the event will be held;
- Adhere to venue occupancy as determined by the Fire Marshal;
- Identify attendees who are 21 years of age or older;

- Provide adequate security personnel as specified by the University Police Department during the event's security consultation. The security personnel must be identifiable and employed by a bonded security company;
- Develop, maintain, and share an attendance tracking process;
- In addition to the above guidelines, RSOs affiliated with a national organization are also expected to follow their national organization's risk management policies, guidelines, and/or practices. In situations where there may be conflicting or different expectations between the national organization and the University of Mississippi, the RSO is expected to follow the stricter policy.

***Restrictions for Events Held in Academic Buildings Where Alcohol Will Be Present***

- Posted signs in the area of the event should state the start time and end time for the event.
- RSOs must specify how attendees who are 21 years of age or older will be identified.
- RSOs must provide adequate security personnel as specified by the University Police Department during the event consultation. The security personnel must be identifiable and employed by a bonded security company. Applicability of required security will be determined on a case-by-case basis.

***Restrictions for On-Campus Events Held in Non-Academic Buildings & Off-Campus Events Where Alcohol Will Be Present***

- Posted signs in the area of the event should state the start time and end time for the event.
- RSOs must identify attendees who are 21 years of age and older with wristbands. The only means of removing the wristband must be cutting or tearing to prevent transfer to attendees who are under age 21.

The OMSU reserves the right to make additions to the standards outlined above.

**Common Transportation to Off-Campus Venues**

Registered Student Organizations traveling in groups larger than 15 are strongly encouraged to use common transportation provided by a chartered transportation company (vans, charter service, shuttles, etc.). In addition to the event registration submission, the contract from the common transportation provider must be provided to the OMSU as part of the event registration process.

The name and contact information for an individual who is not traveling with the group should also be provided. The OMSU will look to this individual for information and assistance in the case of an emergency.

RSOs are responsible for providing a safe and orderly boarding and drop-off procedure. Additionally, the RSO is expected to provide appropriate clean-up of the boarding and unloading area as appropriate and necessary.

RSOs are responsible for communicating parking arrangements for vehicles that will be parked on campus during the event. Parking vehicles in unapproved locations may result in personal vehicles being towed from the location at the owner's expense.

Failure to meet any of the requirements listed in this policy will result in referral to the Office of Conflict Resolution and Student Conduct.

## **Fraternal Student Organizations Associated with The Office of Fraternity & Sorority Life DSA.DS.400.005**

Organizations associated with Fraternity & Sorority Life include any organization that belongs to the National Pan-Hellenic Council, National Panhellenic Conference, North-American Interfraternal Conference and any other fraternity or sorority organization governed by the local NPHC, Panhellenic, and Interfraternity councils.

### **Rosters**

All fraternities and sororities associated with Fraternity & Sorority Life are required to provide accurate rosters by the deadline(s) determined by the Office of Fraternity & Sorority Life. These deadlines are communicated prior to each academic semester to the reported chapter president.

Accurate rosters ensure that all members are represented for a multitude of purposes, such as parking eligibility, meal plan eligibility, grade reports, conduct reports, emergency management, etc. Failure to adhere to the deadline or submitting a roster in an incorrect format will result in an automatic loss of social privileges for a defined time period and a 0.00 chapter grade on the Community Academic Report.

### **Summer Recruitment**

Recruiting Potential New Members (PNMs) or entertaining students who may be interested in one of our fraternities or sororities is only permissible during the summer recess under the following conditions:

- No alcohol or other drugs are served, gifted, or consumed to or by both PNMs or active members at any point
- Any applicable Federal, State, local, University of Mississippi, Governing Council, and National Organization policies are followed (i.e. Event Registration, overnight hosting, legal consumption, etc.)
- Events and interest meetings organized and/or hosted by alumni or graduate chapters must be registered with the appropriate staff member within the Ole Miss Student Union regardless of meeting location

### **New Member Eligibility**

Only those students who are enrolled in at least 12 credit hours and possess a grade point average of 2.6 or higher at the University of Mississippi or from high school GPA (for the purpose of IFC & Panhellenic recruitment) are eligible for membership within a fraternity or sorority associated with Fraternity & Sorority Life.

To participate in Panhellenic or IFC Formal Recruitment or NPHC Intake processes, students must complete any and all educational programming as determined by Fraternity & Sorority Life. Potential New Members (PNM) are informed of such educational programming prior to the fall academic semester.

### **Good Standing**

From time-to-time various University Departments and National Offices associated with undergraduate chapters represented at the University of Mississippi will inquire about a chapter's status with Fraternity & Sorority Life. Within many fraternities and sororities, the term "in good standing" is a measurement of compliance.

Fraternities and sororities at the University of Mississippi will only be in “good standing” with Fraternity & Sorority Life if the following conditions are met:

- Chapters must be recognized by an inter/national organization
- Chapter maintains at least a 2.6 minimum GPA each semester
- Chapters actively participate in at least 80% of all Fraternity & Sorority Life required events and initiatives (Greek Council, Fraternal Leadership Experience, other special community-based programs, etc.)
- Chapters provide all required data and information for the purposes of institutional reporting (rosters, new member lists, financial information, assessment data, facility-related data, officer contact information, etc.)
- Chapters submit Core Value Greek Awards submissions
- Chapters maintain the academic standards set by the respective Governing Councils
- Chapters remain current in payments to both the University and respective Governing Council

Fraternities and sororities may retain “good standing” status with Fraternity & Sorority Life once the above criteria are met.

Chapters that have any pending conduct charges or chapters that have been charged with a conduct violation are not in “good standing” until any and all sanctions are complete.

If these criteria are not met, chapters risk the loss of ability to host events, ability to receive information and endorsement from Fraternity & Sorority Life, ability to reserve space on campus, and/ or other sanctions that ultimately include permanent removal from campus.

Additionally, all members of a fraternity or sorority advised by Fraternity & Sorority Life must be an enrolled student at The University of Mississippi.

### **Student Organizations Structured with Probationary Membership Statuses DSA.DS.400.006**

Student organizations that utilize a probationary membership process are inherently designed to introduce new members to the organization in a structured way. Probationary membership is defined as a process where new members are guided through an orientation and/or educational training before receiving full benefits of membership.

#### **New Member Education:**

New member education may take place only during the fall and spring academic semesters when classes are in session. No activities shall take place before the first day of the fall and spring academic semesters, after the final day of classes during the fall and spring semesters, or during any University holiday break (i.e. Fall or Spring Break).

Students must also comply with expectations, deadlines, and programs determined by national organizations affiliated with the local organizations. This policy intends to ensure alignment between the practices of local organizations and the expectations of affiliated national organizations.

#### **Initiation/Induction:**

All new members must be initiated or inducted and receive full benefits of membership either:

- (1) by the end of the same semester they are recruited or
- (2) within an eight (8) week window, whichever is the shorter time.

Organizations may seek an exception from this policy to initiate the first week of the following academic semester if a formal request is submitted by the inter/national organization's Executive Director, or the equivalent, and approved by the Director of the University office/department under which the student organization receives direct advisement.

**Outdoor Facilities Reservations – Campus Departments and Registered Student Organizations**  
**DSA.SU.300.003**

The Grove, Student Union Plaza and the Lyceum Circle are available to University of Mississippi campus departments and Registered Student Organizations. For outdoor spaces other than those listed, approval must be granted by the Gertrude C. Ford Ole Miss Student Union (OMSU) department and/or Landscape Services. The OMSU Reservations Office does require that a University account number or Visa/MasterCard number is provided to ensure that the costs of any damages or excessive cleaning can be covered.

All requests must include ample time before and after the actual event for any needed set up and take down. Campus department or Registered Student Organization will not be granted access to the space prior to the designated start time and must vacate the space at the designated end time. These times are absolute and the campus department or Registered Student Organization is expected to abide by these requirements.

No activities or events may take place in outdoor spaces four (4) weeks prior to Commencement. Requests for reservations made during this time period are at the discretion of the OMSU office in consultation with campus partners.

Block reservations can be made one semester at a time. Block reservation requests are defined as those that recur more than one time during the semester. Block reservations that include more than one semester will be processed as separate reservations, and fees will be assessed accordingly.

All requests for the use of outdoor spaces must go through the OMSU Reservations Office to officially reserve the space. The User will provide the Reservations Office with the name, address and phone number of the User's representative. This representative will be the sole person authorized to make changes to or decisions regarding the reservation. Student organizations are required to fill out an Event Registration process online with The ForUM before their reservation is confirmed. The OMSU Reservations Office does require that a University account number or Visa/MasterCard number is provided to ensure that the costs of any damages or excessive cleaning can be covered.

The campus department or Registered Student Organization will be responsible for any and all damages caused by acts of the campus department or Registered Student Organization, its employees, agents, patrons, guests and artists, whether accidental or otherwise.

**Preservation of Outdoor Spaces**

Tent sizes in outdoor spaces are restricted to 10'x10'. For larger tents, Landscape Services must approve. No tents are permitted in the Grove or Circle eight (8) weeks prior to Commencement. All tents may only be set up for 48 hours; this includes setup, duration of the event, and breakdown.

Flooring or artificial turf should be used to protect turf under tents between the Monday after the last home football game until after Commencement. Flooring may only be set up for 48 hours; this includes setup, duration of the event, and breakdown.

Application of a Special Dura Deck Product or similar will be required for a release to drive in The Grove. The maximum limit of time is 48 hours. No vehicles or heavy equipment are allowed on turf areas without prior approval of the Director of Landscape Services.

Any large structure erected for use outdoors (e.g. tents) must be inspected by University Fire Services. Landscape Services should be contacted at (662)915-1846 before any plans are made for the setup of furnishings and/or equipment in the Grove.

No objects are to be hung from trees. This includes items such as balloons, hammocks, and decorations.

Carnival rides, horse rides, petting zoos, moon walks or bounce houses are not allowed on the turf of outdoor spaces.

Stakes or spikes may not be used in outdoors due to underground water and electric lines.

No open flames are permitted on the turf including portable fireplaces, grills, tiki torches, and fireworks. Any exceptions are at the discretion of the OMSU office.

**Required University Services**

The campus department or Registered Student Organization will be responsible for ensuring all litter is removed from the outdoor space and placed in proper waste disposal dumpsters within two (2) hours of the completion of the event. If the campus department or Registered Student Organization fails to comply, the University will remove trash, and time will be billed to the campus department or Registered Student Organization for removal. Registered Student Organizations failing to comply may also be referred to the Office of Conflict Resolution and Student Conduct.

For events with more than fifty (50) attendees, the campus department or Registered Student Organization must submit a work order to Landscape Services for the setup and removal of any needed trash cans.

The campus department or Registered Student Organization must submit a work order to Facilities Management if power or other utilities are required for the reservation no later than three (3) days prior to the scheduled reservation.

## **Table Rentals for Student Organizations and University Departments** **DSA.SU.100.005**

In order to ensure that reservations conducted by the Gertrude C. Ford Ole Miss Student Union (OMSU) are in accordance with established policies and procedures, the OMSU retains the authorization to supervise reservations at the OMSU.

The following is the policy for reserving space for Registered Student Organizations and University Departments:

1. Reservations are made through the OMSU, where the reservation agreement must be completed.
2. Rental is open only to all registered student organizations and university departments at no charge.
3. Space for student organizations or university departments is restricted to the preset locations at the Student Union between the hours of 10:00 a.m. - 4:00 p.m.
4. Due to fire code and building regulations, tables may not be moved from assigned spaces. In the event of inclement weather, table reservations are at the discretion of the user. Tables will be placed rain or shine.
5. Due to location, absolutely no music or amplified sound is permitted at any time.
6. There can be no sales, solicitations or marketing that will conflict with the exclusive sales agreement that the University has with contracted businesses and/or corporations. This includes providing food or drinks that conflict with existing contracts the university has with vendors (e.g. non-Coca Cola products, cookies, and other items). For clarification, please contact the OMSU.
7. Student organizations and University departments may collect money and/or goods/items for charitable organizations, military personnel, etc.
8. Fronting is prohibited. "Fronting" is defined as permitting a non-University individual or organization to use University space/facilities and services under the guise that the activity is a University-sponsored program in order to avoid payment. Violator's will have their reservation privileges revoked.
9. At the discretion of the OMSU, student organizations and University departments may forfeit their right to reserve space if they fail to appear on the date(s) reserved.
10. In the event that the University suspends campus activities or closes, the table reservation will be cancelled, and the user will have the opportunity to reschedule.
11. Failure to abide by these guidelines will result in loss of privileges.

## **Concerts** **DSA.SU.300.001**

The Gertrude C. Ford Ole Miss Student Union department reserves the exclusive right to produce and promote concerts on campus. The Gertrude C. Ford Ole Miss Student Union department understands that other agencies may host musical entertainment campus including, but not limited to, Artist Series, Ford Series, L-O-U Summer Sunset Series, Ole Miss Athletics, and events at fraternity and sorority houses. No concert of a popular music nature, however, shall be produced or promoted on campus without the consent of The Gertrude C. Ford Ole Miss Student Union department.

## **Amplified Sound on Campus** **DSA.SU.300.002**

To maintain a community of learning free of disruptions and disturbances, all Registered Student Organizations, campus departments, faculty, and staff wishing to host events, gatherings, or activities with amplified sound, must seek approval in advance from the office of The Gertrude C. Ford Ole Miss Student Union. Amplified sound is considered any sound created or enhanced by the use of sound-amplifying equipment. With approval, amplified sound is permitted on Fridays from 5:00 p.m. until 11:59 p.m., on Saturdays from 12:00 p.m. until 11:59 p.m., and on Sundays from 2:00 p.m. until 9:00 p.m.

Decibel levels for amplified sound shall not exceed 80 dB from thirty (30) feet from the sound source. Requests to exceed this decibel level must be submitted to The Gertrude C. Ford Ole Miss Student Union department five (5) days prior to the event or activity for approval. Violation of this policy can result in immediate termination of the activity. Students and organizations who do not honor these guidelines may be referred to the Office of Conflict Resolution and Student Conduct.

## **Chalking on Campus** **DSA.SU.300.004**

**Summary/Purpose:** The University of Mississippi recognizes that chalking of sidewalks is a way to announce programs, promote events, exchange opinions, share messages, and otherwise express ideas. This policy is designed to permit sidewalk chalking while also advancing important University interests, including but not limited to ensuring campus safety, safeguarding entrances and exits to and from University facilities, protecting University property and facilities, and maintaining the aesthetic appeal of campus. This policy applies to all University students, staff, and faculty.

### **Permissible Chalking**

Chalking on campus sidewalks is permitted by University students, staff, and faculty subject to the specific restrictions detailed in this policy.

### **Restrictions on Chalking**

- Chalking is limited to the use of water-soluble chalk (sidewalk chalk). The use of markers, paints, oil-based products, non-soluble products, and spray chalks are prohibited.
- Chalking is permitted only on horizontal (flat) sidewalks that are open to the elements (i.e., sidewalk that is not covered by a roof or overhang). Chalking is not permitted on brick pavers. Chalking is prohibited on all vertical surfaces and all non-sidewalk surfaces, both inside and outside, including but not limited to benches, buildings, bus stops, bridges, columns, fountains, monuments, newsstands, overhangs, planters, poles, roads, rocks, signs, statues, cemeteries, outdoor art, stairs/steps, trash receptacles, trees, walls, and windows.
- Chalking is not allowed in any of the following areas:
  - Union Plaza: Any plaza, porch, steps, or other entry areas adjacent to the Gertrude C. Ford Ole Miss Student Union.
  - The Circle: The entire area surrounded by University Circle, including the sidewalks adjacent to the Circle.
  - Walk of Champions: From the Union Plaza to Vaught-Hemingway Stadium.

- The Grove: The area surrounded by University Avenue, Grove Loop, University Plaza, and Student Union Drive, including the sidewalks adjacent to and inside the Grove.
- Lyceum and Library Area: The area between The Lyceum and the Library and the steps and area adjacent to the Lyceum and the Library.
- The Phi Mu Fountain Area: The entire quad where the fountain is located, from the Library to Paris Yates Chapel and from Bondurant Hall to the Johnson Commons facilities.
- Athletics and Performing Arts Facilities: Sidewalks and plazas adjacent to all athletics venues and performing arts facilities.
- Health Care Facilities: Area surrounding the V.B. Harrison Student Health Center and the University Counseling Center in Lester Hall.
- Overwriting, erasing, defacing, or altering existing chalking is prohibited by anyone other than the person or organization who did the chalking, except that University facility and grounds personnel are allowed to clean and wash sidewalks, plazas, and other outdoor areas at any time in the course of their usual and ordinary campus maintenance activities.
- Chalking that violates any federal or state law, University of Mississippi Conduct Rules and Regulations, or any other policy of the University of Mississippi as contained in the University Policy Directory is prohibited.
- Commercial solicitation, advertising and sales, including through chalking, are not permitted on campus except as explicitly permitted by [Solicitations on Campus Policy](https://policies.olemiss.edu/ShowDetails.jsp?istatPara=1&policyObjidPara=10679116) (https://policies.olemiss.edu/ShowDetails.jsp?istatPara=1&policyObjidPara=10679116).

### **Voter Registration Information DSA.DS.700.001**

In support of our mission and values, the University of Mississippi encourages all students to participate in local, state, and national elections. As part of our responsibility to promote good citizenship, as well as good scholarship, the University urges all students to register to vote. The following website was coordinated by University student leaders in [an effort to support the student vote](http://vote.olemiss.edu/): <http://vote.olemiss.edu/>.

Students who are not registered to vote are reminded that in order to vote in the State of Mississippi, they must register at least 30 days prior to an election. For [information on elections and voting in Mississippi](http://www.sos.ms.gov/Vote/Pages/default.aspx) (including a downloadable application to register to vote), visit: <http://www.sos.ms.gov/Vote/Pages/default.aspx>

[For information on voting in other states](http://www.eac.gov/voter_resources/register_to_vote.aspx) visit: [http://www.eac.gov/voter\\_resources/register\\_to\\_vote.aspx](http://www.eac.gov/voter_resources/register_to_vote.aspx).

Upon request, the University will provide a paper copy of the voter registration form. Such request should be made to the Ole Miss Student Union.

## SECTION V

### Additional Student Resources

#### Americans With Disabilities Act or ADA

##### ACA.EO.100.015

The University of Mississippi is committed to providing equal education and employment opportunities and achieving full participation for all members of the University community, including persons with disabilities in accordance with federal and state laws including but not limited to the Rehabilitation Act of 1973 as amended, the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008 (ADAAA).

The Director of Equal Opportunity and Regulatory Compliance serves as the Americans with Disabilities Act (ADA) Coordinator. Any **employee** who has a documented disability, as defined by the ADA, and needs a reasonable accommodation should contact the EORC office at 662-915-7735 or email [eeo@olemiss.edu](mailto:eeo@olemiss.edu). Any **student** who has a documented disability, as defined by the ADA should contact Student Disability Services at 662-915-7128 or email [sds@olemiss.edu](mailto:sds@olemiss.edu). Any **visitor** who has a disability and may need accommodations, should first contact the department or group sponsoring the event or activity. If additional information is needed contact the EORC.

The University does not unlawfully discriminate against any qualified student, employee, visitor or applicant for admission or employment based on disability status. The Office of Equal Opportunity and Regulatory Compliance (EORC) encourages all members of the University community to partner in ensuring a welcoming and inclusive environment free of discrimination at all University related activities and in the working and learning environment. All forms of disability discrimination including the failure to provide reasonable accommodations and discrimination or harassment based on physical or mental disabilities is prohibited. Incidents of discrimination or discriminatory harassment (including disability discrimination, and failure to provide a reasonable accommodation) by University employees should be reported to EORC at 662- 915-7735 or email at [eeo@olemiss.edu](mailto:eeo@olemiss.edu).

Achieving full participation and integration of people with disabilities requires the cooperative efforts of all the University's departments, offices and personnel.

The University will continue to strive to achieve excellence in its services and to ensure that its services are delivered equitably and efficiently to all of its members. University offices listed below have responsibilities for a specific area of ADA compliance.

#### **Office of Equal Opportunity and Regulatory Compliance (EO/RC)**

- Receive and respond to complaints of discrimination or harassment on the basis of disability and monitor the University's compliance with affirmative action obligations in regard to persons with disabilities.
- Coordinates response to requests for accommodation or employment modification by employees.
- Collaborates with other University offices regarding issues of campus accessibility.

### **Office of Student Disability Services**

- Reviews and approves student requests for academic accommodations.
- Notifies faculty of accommodations for which students are approved and ensures they understand their responsibility to provide for those accommodations.
- Receive and respond to student claims of discrimination and serves as an advocate for students when issues arise.
- Collaborates with the campus community to remove disability-related barriers, recognize disability as a valued aspect of diversity, and embrace access as a social justice and civil rights issue.

### **Facilities Planning and Facilities Management**

- Promotes compliance with campus physical and architectural access for new construction and major renovations.
- Maintains campus physical and architectural access for existing facilities.

### **Office of Information and Technology**

- Supports identification, implementation, maintenance, and renewal of accessible information systems, including web presence, academic support systems and administrative information infrastructure.
- Ensures accessibility for students, staff, and public users.

### **Office of Outreach**

- Supports faculty in regard to digital accessibility matters.
- Provides technical assistance for post-production captioning of instructional materials.

### **Department of Human Resources**

- Receives and responds to requests from applicants for accommodations during the interviews for employment.
- Coordinates requests for interview accommodations with search committees and if needed, Office of Equal Opportunity and Regulatory Compliance.

### **Groups Sponsoring on Campus Events & Activities**

All groups sponsoring on-campus events or activities are required to provide information regarding requests for reasonable accommodations in all marketing materials and publications that describe or invite participation in the event or activity. All advertising, invitations and brochures should include a statement that identifies multiple forms of contact, such as:

“If you are an individual with a disability and need accommodations, please contact, (name, phone number, email of the event coordinator). We encourage you to submit your request at least two weeks in advance, if possible, in that some accommodations require advance planning.”

## Equal Opportunity and Regulatory Compliance

The Office of Equal Opportunity and Regulatory Compliance (EO/RC) is responsible for the implementation, monitoring, and evaluation of the University's Affirmative Action Program and to ensure compliance with all federal antidiscrimination regulations at The University of Mississippi. EO/RC's mission is to ensure the university's compliance with federal regulations regarding equitable treatment of faculty, staff, and students; to ensure equal employment opportunity and to ensure equal access to a quality education for students. EO/RC also is responsible for investigating complaints of discrimination and serves as a liaison between the university and federal enforcement agencies concerned with equal opportunity and non-discrimination.

For more [information about the university's policies on non-discrimination](#), see the university's policy directory: (<https://secure4.olemiss.edu/umpolicyopen/>).

For more [information about EO/RC](#), see our website at [www.olemiss.edu/depts/affirmativeaction](http://www.olemiss.edu/depts/affirmativeaction) or to file a complaint contact the EO/RC office by phone at 662-915-7735 or by email to [eeo@olemiss.edu](mailto:eeo@olemiss.edu).

## Student Disability Services

The University of Mississippi supports the spirit and letter of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as Amended in 2008 (ADAAA) and is committed to ensuring equal access to a quality education for qualified students with disabilities. Through shared responsibility with the larger campus community, the Office of Student Disability Services (SDS) is responsible for providing, to approved students with disabilities, reasonable accommodations that support University standards and academic integrity and that promote student independence and self-advocacy.

For more information on the University's commitment to disability access, please visit the [University's access statement](#) at: <http://www.olemiss.edu/info/access.html>.

SDS provides classroom accommodations to all students on campus who self-disclose a disability, including, but not limited to, learning disorders, psychiatric disorders, mobility issues, deaf/hard of hearing, blind/low vision, chronic illness, attention deficit disorders, and other physical disorders. Interested students must fill out, sign and submit an intake application; must complete an initial interview with SDS staff; must submit current, comprehensive medical and/or psychological documentation; and must meet eligibility criteria.

**Students with disabilities who believe they may benefit from classroom accommodations or other assistance should contact SDS at:**

234 Martindale  
662-915-7128 (voice)  
662-915-7907 (TTY)  
[sds@olemiss.edu](mailto:sds@olemiss.edu)

## University Police Department and Campus Safety

The University of Mississippi Department of Police and Campus Safety (UPD) is a service-oriented public safety agency that provides twenty-four hours a day, seven days a week law enforcement, emergency

management and safety services to the Oxford campus. UPD is a service-oriented department, working within the Division of Student Affairs, dedicated to educating and working with the University community ensuring a safe, tranquil environment conducive to the objectives of the University. UPD has the distinction of being accredited by the Mississippi Law Enforcement Accreditation Commission (MLEAC). UPD is responsible for all campus police, emergency management and security related matters.

UPD officers are state certified law enforcement officers, with full arrest and investigative authority on all University property. UPD routinely conducts vehicle, bicycle, motorcycle and foot patrols on campus and enforces state laws as well as university policies and regulations. UPD also works closely with other local, state, and federal law enforcement agencies such as the Oxford Police Department, the Lafayette County Sheriff's Department, Mississippi Bureau of Investigations, Federal Bureau of Investigations and the United States Marshall Service.

UPD is focused on becoming a recognized leader in higher education law enforcement by providing the public with quality police service and protection. The University of Mississippi is often ranked amongst the safest college campuses in the country, largely due to UPD's commitment to providing quality safety services.

UPD has four operational units: Field Operations, Administrative Operations, Emergency Management Services, and Administrative Services.

Field Operations manages Patrol, Crime Prevention, Training and Special Events. Patrol consists of four (4) officers that work 7:00 a.m. to 7:00 p.m. and 7:00 p.m. to 7:00 a.m. each day. Each shift is supervised by a Police Lieutenant. The Crime Prevention Unit strives to minimize criminal opportunities by educating and encouraging faculty, staff and students to be responsible for their own security and the security of others. Crime prevention presentations are routinely scheduled for campus residents, as well as, faculty and staff groups.

Some of the topics covered are:

- Domestic Violence Education
- Workplace Violence Education
- Personal Safety
- Alcohol and Drug Awareness
- Travel Safety
- Active Shooter Response
- Police Community Relationships

In addition to coordinating Crime Prevention and Outreach programming, the Crime Prevention Unit manages the Rebel Patrol Student Safe Walk Service. Rebel Patrol Safe Walk offer on-campus walk-alongs for anyone concerned about walking alone on campus.

Administrative Operations manages investigations, Campus Safety Officers, accreditation, the Annual Security Reports, departmental certifications, data collection and administrative processes.

There are two full time detectives in the Investigations Unit. Detectives in the Investigative Unit have completed the Mississippi Certified Investigator's Program, Reid's Interview and Interrogation course, and have recorded countless training hours in Crime Scene Investigations and related topics. The Investigative Unit works in conjunction with the Oxford Police Department, Lafayette County Sheriff Department,

Mississippi Bureau of Investigations and the Federal Bureau of Investigations on cases involving the campus community.

The Campus Safety Officers (CSO) are unarmed security personnel that patrol the residential halls between the hours of 10:00pm to 6:00am, nightly. They serve to augment the patrol of the certified officer giving extra coverage in the residential halls overnight. They are supervised at night by the Housing Police Sergeant who is a certified police officer.

Emergency Management Services is tasked with creating a culture of emergency preparedness and response across the university. Emergency Management Services (UEMS) is responsible for coordinating a comprehensive, all-hazards approach through the cycles of an emergency – preparedness, response, recovery, and mitigation. In addition to University-wide efforts, UEMS is available to provide guidance for departments and colleges developing and improving their emergency plans. UEMS also coordinates numerous programs and initiatives to support the University of Mississippi in responding to, recovering from, and mitigating against any natural or manmade disaster or crisis. UEMS strives to protect the well-being of UM students, faculty, and staff.

The department is responsible for the following:

- Developing and maintaining the UM Campus Emergency Management Plan (CEMP)
- Developing, planning and evaluating University-wide emergency exercises
- Management of the Incident Response Team (IRT), Crisis Action Team (CAT) and the University Emergency Operations Center
- Providing training to individuals that have emergency management roles and responsibilities
- Providing the University with preparedness information
- Managing the UM Alert emergency notification systems
- Acting as the UM liaison for federal, state and local emergency responders and agencies

The Communications Officers operate the dispatch center at UPD, receiving calls for service and assigning the calls to patrol officers. UPD maintains a database of all calls for service. The Computer Aided Dispatch (CAD) System is used to record all significant events reported to the police department. These events can be viewed daily on UPD's website.

Administrative Services manages Records Management, Humans Resource Management, Budget and all other administrative functions. Records Management reviews and files all police reports, responds to request for reports and receipts collects funds.

The University has an emergency telephone system referred to as "Code Blue" which involves the strategic location of emergency telephones on campus. By depressing the button on the emergency telephone unit, UPD will immediately be contacted for assistance with any emergency. The locations of the Code Blue phone units are depicted on the campus map.

Students can go to [UPD's website](http://upd.olemiss.edu) (<http://upd.olemiss.edu>) to find:

- The university's Annual Security Report [also referred to as the Clery Report]. It includes crime statistics and general safety information.
- The Media Log Report- is a summary of calls for service that include many non-criminal events
- The Daily Dispatch Log- which includes significant events reported to UPD
- Crime Alerts- notifications of matters of special significance and urgency.

## **UPD**

Kinard Hall Wing-C on Rebel Drive

Non-emergency: 662-915-7234

Police emergency: 662-915-4911 or 911 from cell phone or off campus phone, or 4911 from on-campus phone.

Email: [upd@olemiss.edu](mailto:upd@olemiss.edu) (non-emergency)

You also find us on FaceBook:

@Ole Miss Police

And Twitter:

@OleMissPolice

## **Parking and Transportation**

The Department of Parking and Transportation (and the University Police Department) are charged with the enforcement of parking and traffic rules and regulations enacted and promulgated by the Board of Trustees of State Institutions of Higher Learning for the State of Mississippi.

All students who operate a vehicle or bicycle on campus are required to register with the Department of Parking and Transportation and to observe campus traffic and parking regulations. Appropriate parking permits are issued for identification purposes and based upon where students reside.

Detailed information related to vehicle/bicycle registration, parking and traffic rules and regulations, and a color-coded parking guide map can be found online at the [Department of Parking and Transportation website](http://www.olemiss.edu/parking): <http://www.olemiss.edu/parking>.

The Department of Parking and Transportation is located in the South Campus Recreation Center in Suite A and lobby hours are from 7:30 a.m. – 4:30 p.m. weekdays. Students can contact this office at 662-915-7235 or email [parking@olemiss.edu](mailto:parking@olemiss.edu) with questions about vehicle registration and parking citations.

## **Student Housing**

The mission of the Department of Student Housing is to provide secure, supportive, and comfortable communities, designed to contribute to the personal and academic growth of each residential student.

While living in our residential communities, students are expected to respect both the facilities and other members of the community, upholding at all times the standards set forth by the University Creed. Further, students must understand that the cleanliness and proper care of university facilities are the responsibility of all who occupy the building.

In addition to the policies listed in the *M Book*, The University of Mississippi has several policies that are specific to student housing residents and their guests. Students should familiarize themselves with these policies by visiting [the University of Mississippi Policies Directory](https://policies.olemiss.edu/index.jsp) at <https://policies.olemiss.edu/index.jsp>.

## **Campus Recreation**

Campus Recreation provides outstanding services, facilities, programs, and educational opportunities to empower the University of Mississippi community in the pursuit of lifelong well-being. Campus Recreation

exemplifies the university's mission by fostering leadership and excellence, offering high-impact co-curricular programs in active, inclusive, and student-focused environments that provide an outlet for competition, exploration, play, and social interaction.

The programs and services administered by Campus Recreation are designed for the recreational interests and needs of the campus community. As a student, it is recommended that you find time to become active in the participatory opportunities available to you, as your engagement will enhance your personal health and collegiate experience.

Campus Recreation also houses the William Magee Center for Wellness Education, which assists students with a variety programs and initiatives focused on holistic wellness. Wellness Education also provides offerings such as RebelADE that help students in their decision making regarding the use of alcohol and drugs. The Collegiate Recovery Community is aligned with Wellness Education and assists students in recovery from addiction, aids in the navigation of college life, and helps in the achievement of academic goals. Information pertaining to the [Department of Campus Recreation](http://campusrec.olemiss.edu/) can be found at <http://campusrec.olemiss.edu/>

Students are able to participate in Campus Recreation programs and services upon activation of their university ID. The ID must be presented with each visit to the Turner Center and/or South Campus Recreation Center. All policies associated with proper use of a student's identification card found in the *M Book* must be adhered to for use and/or participation in the programmatic offerings associated with Campus Recreation.

### **South Campus Recreation Center**

Chucky Mullins Blvd  
662-915-5591

## **Student Health Services**

The V.B. Harrison Health Center on Rebel Drive. The center is staffed by primary care physicians and nurse practitioners.

Please remember a few important points:

- a. Clinic hours are 8 a.m.-5 p.m. Monday-Th and 9a.m.-5p.m. on Friday. Because of the high patient volume, students should sign in before 4 p.m. to be seen that day.
- b. For after-hours emergent care, we recommend the emergency department at Baptist Memorial Hospital-North Mississippi, which is located on Belk Blvd., just south of Highway 6. The phone number to the hospital is 662-636-1196.
- c. Treatment at Student Health is provided by a staff of four physicians, a nurse practitioner, a staff psychiatrist, registered nurses, and lab and X-ray personnel. Physical therapy is also available on campus. Appointments or referrals should not be made with the Physical Therapy Department without first getting approval from your insurance company.
- d. Appointments are required for routine gynecologic exams, physical examinations and psychiatric visits.
- e. Students may request a specific provider when they sign in.
- f. All visits are confidential.
- g. SHS does not issue written excuses for missing class. Students are given a copy of their superbill as documentation of their visit.

- h. Office visits are free to currently enrolled students. Charges are made for lab work, X-rays, injections, and supplies. The charges are posted to the student's bursar bill, unless paid at the time of service. Insurance will be filed if a copy of the insurance card is provided. We accept assignment and are preferred providers for BCBS of Mississippi and Aetna Graduate/International insurance. It is the responsibility of the insured to know their insurance benefits as applicable to Student Health.
- i. Students will need their university ID card to be eligible for service, and should have their current insurance ID card with them.
- j. Treatment cannot be provided via telephone. Students who feel sick should come to Student Health for care.
- k. Student Health Center Pharmacy is located within the V.B. Harrison Health Center building.

### **V.B. Harrison Student Health Center**

400 Rebel Drive  
662-915-7275

## **UMatter**

UMatter: Student Support Services and Advocacy provides free and confidential information, consultation, support, advocacy to University of Mississippi students and graduate students who have experienced a traumatic, disturbing or life disruptive event. U Matter is not a part of the police department, or the Equal Opportunity and Regulatory Compliance office, and is a confidential resource for students. U Matter provides targeted support and resources for students that are responding to Title IX or conduct matters at the university. These services include academic and housing accommodations for Title IX concerns, individual case management for responding students, support in Title IX investigations and conduct matters, connecting students with advisors for adjudication processes, and referrals to services on campus and in the community. Contact U Matter, [umatter@olemiss.edu](mailto:umatter@olemiss.edu), 662-915-7248, 301 Student Union with questions or for support.

## **Violence Intervention and Prevention**

Violence Intervention and Prevention Services promotes awareness of the realities of sexual assault, intimate partner violence and stalking. Staff and peer educators provide education and training for students, faculty and staff concerning these topics. The office provides confidential advocacy to assist victim-survivors of these incidents and serves as a liaison between the University and local resource groups. Contact Shelli Poole, [sapoole@olemiss.edu](mailto:sapoole@olemiss.edu), 662-915-1059, 309 Longstreet Hall with questions or for support.

## **University Counseling Center**

The University Counseling Center (UCC) assists students in their personal and educational development through a variety of mental health services, including individual, couples, and group counseling, crisis intervention, consultation, and outreach programming. All services are strictly confidential and free to students. To make an appointment call 662-915- 3784.

For most students, the college years represent unique challenges. It is a time of significant personal growth and decision-making regarding your values, interpersonal relationships, career and other life goals — all within a stressful academic environment. Even the most successful student may experience

considerable difficulty with these challenges. Problems often encountered by students include difficulties with academics and interpersonal relationships, family problems, self-identity issues, loneliness, low self-esteem, depression and anxiety. The UCC is a supportive, non-judgmental space for students to work through these challenges.

### **Crisis Intervention**

A counselor is on call 24 hours a day for emergency assistance. The UCC also offers a walk-in triage service during the afternoons Monday through Friday for students who are experiencing crises or distress. Crisis intervention services are coordinated through U Matter: Student Support and Advocacy at 662-915-7248. After office hours, please contact the University Police Department at 662-915-7234 and ask to speak with the on-call counselor. They will take a number where you can be reached and the on-call counselor will call you back immediately. **You DO NOT have to file a police report or take any official police action to speak with a counselor.**

### **Psychiatric Consultations**

Upon the recommendation of the professional staff, appointments can be made with Student Health for psychiatric evaluations, medication consultations and management, and other psychiatric services.

### **Assessment**

The UCC offers assessments related to therapy and counseling needs. Referrals can be made to additional community resources for other types of psychological assessments as needed.

### **Consultation**

Counseling Center services also are available to faculty, staff and students facing a variety of issues, including how to respond to a student or colleague with a psychological problem and how to make a referral.

### **University Counseling Center**

[counslg@olemiss.edu](mailto:counslg@olemiss.edu)

320 Lester Hall

662-915-3784

## APPENDIX: COVID-19 GUIDELINES

### Office of Conflict Resolution and Student Conduct's Response to COVID-19 Guidelines

- Effective Aug. 5, 2021, the university will temporarily require face coverings in indoor public spaces on campus, regardless of vaccination status. This includes public office spaces, classrooms, conference rooms and other academic spaces like laboratories and libraries. Additional, masks will be required while traversing public spaces in residence halls, dining facilities, the Student Union, Campus Rec, and retail spaces. Masks will be required for extracurricular activities held in indoor on-campus spaces. Face coverings are not required when outdoors.
- While public health mandates must be enforced, police (both university and city) cannot be the only parties reporting or responding to infractions. There has been consistent communication at both the local and national level that the enforcement of public health related issues by police can negatively impact community relationships. For our purpose, Faculty/TA, Staff, and/or other authorized University Personnel will work together to promote the health and safety of our community.
- Education and bystander intervention are the best means to positively influence student behavior related to the observation of public health directives.
- An individual entering an indoor space without a face covering will be instructed to comply with the current guidance or exit the facility. If the individual does not have a mask, one will be provided for them.
- If an individual is disruptive, belligerent, and/or refuses to comply or leave the space please follow the regular chain of command (Building Mayor, Chair, Vice Chancellor, or University Police Department, etc.) for support.
- A report can be submitted concerning the incident to the Office of Conflict Resolution and Student Conduct, the office will review the information to determine if a policy violation may have occurred.
- Violations and sanctioning are progressive and use a combination of education and restorative practices to address behaviors.
- For the purpose of this document, "appropriate face covering" or "mask" as defined by the CDC. [Follow CDC guidelines for wearing face coverings correctly.](#)

### Individual Responsibility

Students have been informed of the COVID-19 guidelines; therefore, students will not be allowed in indoor spaces when they are out of compliance with these guidelines. Students have been notified that appropriate face coverings are required in all indoor public spaces, including but not limited to classrooms, the library, Lyceum, Health Center, Jackson Avenue Center, South Oxford Center, and Student Union.

Example: University Authority or Employee will instruct the student of the option of wearing a mask or exiting the building:

- If the student chooses to wear the mask then the matter is resolved.
- If the student refuses and will not leave the building a University official will be notified. The University official will inform the student of the available options and ask the student to make a

decision on the options. If the student complies, there will be no action taken by the official or from the Office of Conflict Resolution and Student Conduct.

- If the University official informs the student of the available options for resolution and the student refuses to comply with the University Official, for the safety and well-being of the community, the student will be removed and the matter referred to the Office of Conflict Resolution and Student Conduct.
- A student referred to the Office of Conflict Resolution and Student Conduct will be ensured the same due process rights and have the same expectations to participate as any student would no matter the accusation.
- If a student is found responsible for the policy violation, the student may:
  - incur a conduct record;
  - be placed on probation;
  - be required to complete an educational project or attend a seminar. The subjects could encompass decision-making, community expectations, COVID-19, reflective exercises, and/or topics created during conversations between the student and the conduct official.
  - under certain circumstances that involve more serious or endangering behavior or a pattern of similar behavior where suspension or expulsion may be necessary.
  - Failure to complete sanction by due date will lead to the student being in violation of the Educational Sanctioning Non-Compliance and Monitoring Policy.

### **Student Organizational Event Responsibility**

Student organizations are responsible for complying with all applicable University, local, and state public health guidance. The organizations will be held accountable for any violations of this guidance.

- As part of the event registration process, a student organization will agree to follow and enforce the face-covering or mask expectation at the indoor event;
- University Staff will ensure that the organizational hosts know and understand the responsibilities of upholding all policies and adhering to the expectations involved in the event registration process;
- If a report or allegation of any policy violation is made to the Office of Conflict Resolution and Student Conduct, the office will investigate. If there is evidence of a possible violation, the organization's President and Advisor will meet with a CRSC Administrator to resolve the matter.

\*Outcomes:

- Organizations found in violation will:
  - Incur a conduct record;
  - receive outcome notification from CRSC via email;
  - be placed on social probation for six months for a first offense and 12 months for a second offense; or equivalent such as suspension from practice, meetings, or participating in events or activities;
  - be fined on a scale defined by its size:
    - 1-50 members = \$20 per member
    - 51-100 members = \$40 per member
    - 101+ members = \$60 per member
  - Additional or increased sanctioning based upon the Student Organization's conduct record and/or history.

- Failure to complete them will lead to the organization being in violation of the Educational Sanctioning Non-Compliance and Monitoring Policy.

*\* These are suggested outcomes as we understand that some things are situational. Please understand that the Office of Conflict Resolution and Student Conduct will examine each incident on a case by case basis, but these outcomes are among the most likely.*

*Please note that the Office of Conflict Resolution and Student Conduct will have records of all previous incidents involving each student or organization and will be able to assign escalating outcomes based on the number of previous infractions accordingly.*