

## General Student Conduct Questions

**Q: Why does the University have policies in place?**

**A:** Policies are designed to support the University's academic mission. They are meant to support a safe campus community where people can work, study, and live. They are designed to build and support the academic and social community and teach students civic responsibility.

**Q: What is the University Judicial Committee?**

**A:** The University Judicial Committee administers the judicial process upon request regarding possible violations of the *Student Code of Conduct*. The University Judicial Committee is composed of approximately 7 members selected from the faculty, staff, and students, with a quorum of 5 needed for hearings.

**Q: What is the jurisdiction of the *Student Code of Conduct*?**

**A:** The *Student Code of Conduct* encompasses all students on the University campus or while at University sanctioned events. The jurisdiction extends beyond the campus limits when conduct threatens the safety and well-being of other students, faculty, or staff, or adversely affects the University community or reputation.

**Q: Why did I receive a notice of disciplinary action?**

**A:** The Office of the Dean of Students received a referral from the Southern University Police Department, Office of Residential Life and Housing, or a faculty/staff member that you may have violated the *Student Code of Conduct*. This complaint prompted the need to follow the formal disciplinary process.

**Q: Who can file a complaint against a student with the Dean of Students?**

**A:** Most disciplinary cases are referred from the Southern University Police Department. However, the Office of Residential Life and Housing or any member of the faculty/staff or student can file a complaint against another student.

**Q: What if I was not aware of the *Student Code of Conduct*?**

**A:** Students are responsible for knowing the content of the *Student Code of Conduct*. Ignorance of the *Student Code of Conduct* will not constitute a defense in any proceedings against a student.

**Q: Is an attorney needed?**

**A:** A student charged may have an advisor throughout any part of the disciplinary process. This advisor can be anyone from a family member to an attorney (at the student's expense). However, the role of an advisor is limited and the advisor is not allowed to speak during the hearing.

**Q: Do disciplinary records appear on a student's academic transcript?**

**A:** Disciplinary files are maintained separately from other student files and are retained for five years. Potential employers and/or graduate or professional schools may wish to review disciplinary files. Information will not be disclosed without a student's written consent.

**Q: Why is there a judicial hold on my account?**

**A:** The most common reasons for judicial holds are:

- The student has yet to contact the Office of the Dean of Students regarding an official notice of disciplinary action.
- The student has not completed imposed sanctions.

- The student has a pending case and/or has left the University.

If a student has a judicial hold on their account, they will not be eligible to register for classes, receive a diploma, or obtain transcripts.

**Q: What rights do I have if I am accused of a violation?**

**A:** The *Student Code of Conduct* has a thorough list of student rights, including:

- The right to the presumption of innocence until proven guilty.
- The right to a fair and impartial hearing.
- The right to be notified in writing.

**Q: Who can file a complaint of an alleged violation?**

**A:** Anyone may report an incident of an alleged violation of the *Student Code of Conduct*. A student may make an initial report to the Office of Residential Life and Housing, the Office of the Dean of Students, or to the Southern University Police Department.

**Q: If a student has a dispute with a faculty/staff member, should the student file a complaint with the Office of the Dean of Students?**

**A:** No. The Dean of Students is responsible for issues related to the *Student Code of Conduct*, which governs student behaviors. If a student has an academic and/or job performance grievance involving a faculty/staff member, the following procedure is applicable for either formal or informal resolution:

- Step 1: Contact the faculty/staff member directly for resolution, if possible.
- Step 2: Contact the faculty/staff member's department chair or director for resolution.
- Step 3: Contact the dean of the appropriate college for resolution, if the problem involves a college.
- Step 4: Write the vice chancellor for academic affairs, if the problem involves an academic area.

**Q: If a student is charged with a crime and arrested by law enforcement, will Southern University assist in bailing the student out?**

**A:** No. It is not a university function to assist students arrested by civil authorities or campus police and incarcerated; students must make their own arrangements for legal release and for any other relief.

**Q: What happens if I do not attend Judicial Hearing?**

**A:** If a student fails to appear for their scheduled judicial hearing, the hearing will take place as scheduled without the student. A binding decision will be rendered in the student's absence based on the testimony of those present and the evidence.

**Q: What is the appeals process?**

**A:** The appeals process is clearly outlined in the student judicial system.

**Q: Does a student have to comply with sanctions if they are appealing the decision?**

**A:** If a student is appealing a decision, the imposed sanctions will remain in effect until the final decision is made. If the sanction is not overturned, then the student must comply with the original sanctions.

**Q: What happens if a student has to go to court for the same incident; do they still have to attend a campus judicial hearing?**

**A:** Yes. Students are responsible for violations of the law and violations of *Student Code of Conduct*. The student judicial process is separate from the legal system. Unless otherwise provided by law, judicial proceedings may occur simultaneously with, or following criminal and or civil proceedings.

**Q: Can a student withdraw from the University to avoid a judicial hearing?**

**A:** A student can withdraw from the University at any time; however this is not a good idea. If a student chooses to withdraw before dealing with the disciplinary process, a judicial hold will be placed on that student's record and their transcript will be held, preventing a transfer to another institution.

**Q: What happens if a student is suspended/expelled?**

**A:** If a student is suspended from the University, they are dismissed for a stated period of time as stated by the Dean of Students. If a student is expelled, they are permanently dismissed from the University.

Suspended/expelled students may not:

- Be present on University premises/campus.
- Attend classes, activities or events.
- Receive academic credit.
- Participate in extracurricular activities (including athletics and Greek life).
- Be employed by the University.

A student who has been judicially suspended will not receive a tuition reimbursement.

**Q: What is disciplinary probation?**

**A:** Probation means that should a student violate the *Student Code of Conduct* during the probationary period, their sanction will be progressively more serious, including the possibility of the loss of housing, or suspension/expulsion from the University.

**Q: What happens if a student does not comply with a judicially imposed sanction?**

**A:** If a student fails to comply with the imposed sanction, he/she will be charged with failure to comply. A judicial hold will be placed on their academic record and additional sanctions may be imposed, including suspension from the University and possibly other legal action.

**Q: What types of offenses typically result in suspension/expulsion from the University?**

**A:** There is no definite answer to this question as each disciplinary case varies; however, there are some general categories that more often result in suspension/expulsion from the University. These offenses include any form of physical abuse/assault (fighting), drug offenses, hazing, possession and/or use of weapons, significant academic misconduct, and repeated *Student Code of Conduct* violations.

**Q: An instructor informed me or has suspicions that I cheated. What will happen?**

**A:** Cases of academic dishonesty can be resolved between the instructor and you. The instructor may decide to resolve the matter without any further action by the Office of the Dean of Students. If you accept responsibility and accept the academic sanction proposed by the instructor, generally the case is closed at that level and is recorded by the Dean of Students. If circumstances warrant, the Dean of Students may consider additional sanctions. The instructor may also decide to refer the matter to the Dean of Students for investigation.

## Parent Related Questions

**Q: What is the role a parent or guardian in the judicial process?**

**A:** A parent or guardian does not have a role in the judicial process. It is recommended that the student discuss the situation with them, especial if the violation could result in the student's suspension/expulsion from the University. A parent or guardian may attend a hearing, but they are not permitted to speak during the hearing.

**Q: Will parents or guardians be notified?**

**A:** No. If a parent calls about a disciplinary matter, the Office of the Dean of Students will refer the parent to the student for clarification, unless the student has given the Office of the Dean of Students prior, written permission to release information.

**Q: The incident happened off campus; why is the University involved?**

**A:** The University has an interest in maintaining a safe community and appropriate standards of conduct for its students. Your son or daughter is a student regardless of whether the alleged misconduct took place on the campus and is still subject to sanctions from the University.

**Q: In regards to drugs, what happens to those students who are just "in the wrong place at the wrong time"?**

**A:** Under a legal theory known as "constructive possession", being in close proximity to drugs can be enough to justify an arrest and result in a conviction for everyone who was close enough to the drugs for police and a jury to conclude that the drugs could have belonged to them. Arrests based on constructive possession are also made when drugs are found in a residence or in a room within a residence, and more than one person is present who could arguably be the owner of the drugs. The University maintains this same theory in disciplinary matters against students.

## **Questions Related to Judicial Witnesses**

**Q: Can the student have witnesses?**

**A:** Charged students are allowed to call fact witnesses during the judicial process. A fact witness is someone who was present during the incident in question and can provide direct information about what happened. Fact witnesses will only be asked questions by the Dean of Students and/or University Judicial Committee.

**Q: Under what circumstances can a witness be called?**

**A:** The University, the victim, and/or the accused student may present witnesses to substantiate/corroborate statements. You may be called as a witness to a violation of the *Student Code of Conduct* or to a violation of other university policies, or as a character witness for a victim or accused student. Your testimony about events, or about the person's character, is critical in determining student responsibility and university sanctions. The accused student has the opportunity to question witness(es) against him/her and to bring witnesses of his or her own.

**Q: What kind of testimony should I give if I am called to be a witness at a hearing?**

**A:** If you are called as a witness to an incident, you need to only speak about the incident in question, not about the character of the person. Or, if you are called as a character witness, you need to only speak about the character of the person, not about the incident in question. In either case, make sure that you are familiar with University policies and procedures, including rules set forth in the *Student Code of Conduct*, published in your student handbook. If you have additional questions, contact the Dean of Students prior to the hearing.

**Q: What is the role of a witness during a hearing?**

**A:** When it is your turn to testify, a member of the judicial body will escort you into the hearing room. The judicial chairperson will ask you to state your name for the record. Members of the judicial body will then ask questions regarding the incident, or regarding the character of a specific person. If you are a witness to an incident, the accused student will have the opportunity to question you about the incident.