

## Frequently Asked Questions

### **What kinds of issues/problems/complaints fall under the jurisdiction of Judicial Services?**

Judicial Services is responsible for adjudicating alleged violations of the Student Code of Conduct.

### **What is the Student Code of Conduct?**

The Student Code of Conduct is also known as the Student Handbook. It defines prohibitive behavior for all Jackson State University students and organizations. Behavior considered misconduct is defined. Possible sanctions are also outlined.

### **What if I am unaware of a rule and didn't know I was breaking it?**

Lack of knowledge of a rule is not an excuse for misconduct. Every student is responsible for knowing the rules and regulations of the University. It is important for you to read the Student Code of Conduct at the beginning of each academic term. The University reserves the right to update the Student Code of Conduct as they deem necessary. Also, if you are unsure about any policies, ask for clarification.

### **Who can submit a complaint?**

Anyone can submit a complaint to the Department of Public Safety. In turn, the report is submitted to Judicial Services. Student Judicial Services acts on reports of alleged violations from: 1) students, 2) law enforcement, 3) faculty and staff, 4) or others.

### **If I file a report with Public Safety, will I be notified of the outcome?**

The complainant will not automatically be notified of the case outcome unless the request is submitted in writing, via e-mail, to the Associate Dean of Students. Additionally, the student in violation of the Student Code of Conduct must be notified of the case outcome prior to the complainant receiving the information. Lastly, the complainant will only be informed of whether the student in question was found responsible or not responsible. If the alleged student is found responsible, the complainant will not be informed of the associated sanctions, unless restitution is required.

### **What if the incident happened off campus?**

The University has jurisdiction for behavior off campus. So even if it happens off campus, it may still be a violation of the Student Code of Conduct, which will be handled by Judicial Services.

### **Can't I just lie about the situation and get away with it?**

Lying is not a value of our community, and if it should be found that you lied, there can be additional disciplinary charges or consequences.

### **I am having a problem with a fellow student or staff member. Can I report him/her to your office?**

Yes! A staff member from Judicial Services can consult with you to discuss options on responding to your problems.

### **What can I do if Judicial Services does not follow through on my complaint?**

Judicial Services follows through on every complaint filed. There are several reasons why a student may not receive sanctions: the alleged behavior was not a violation of the Student Code of Conduct, the student was found not responsible, or there was not enough evidence to show the incident occurred or that the accused student was involved.

### **I received a "Charge Notification Letter" from my Residence Life Coordinator or in my class. What does this charge notification letter mean?**

This means Judicial Services received a complaint documenting that you may have allegedly been involved with an incident in which there may have been a violation of the University's Student Code of Conduct, Federal, State law or local ordinance. The letter is to inform you that the University will review the matter and make a decision based on the investigative procedures.

### **After receiving a charge notification letter, what should I do?**

Familiarize yourself with your rights and responsibilities. You are required to respond to the charge notification letter within 3 business days, in order to schedule a judicial hearing or a judicial hold will be placed on your student account. Judicial hearings usually last 30-45 minutes. Attendance at this meeting is required, and it is your opportunity to review the

alleged violation and share your point of view, so be on time and prepared.

### **Who "hears" my case?**

An administrative hearing is conducted by the Associate Vice President for Student Life/Dean of Student or the Associate Dean of Students. A formal hearing is heard by the Student Affairs Disciplinary Committee (student justices).

### **How do I prepare for the meeting?**

Write a description of the incident in which you were said to have been involved, including: Date and time, location, others involved or witnesses, other details that may indicate whether or not you were responsible, and whether or not alcohol or other substances were involved.

### **What are my rights during this process?**

You have the right to:

- be accompanied by an advisor at the hearing (may be a parent, friend, etc.);
- receive a copy of the filed report by the complainant (acquired through Public Safety for a \$10 fee);
- challenge the statements of others and present information on your own behalf in an impartial hearing;
- to be notified in writing of the outcome of the hearing; and
- to appeal the results as outlined in the Student Code of Conduct appeals procedure

### **What if I fail to meet with the Judicial Services staff?**

Your attendance at all scheduled hearing is mandatory. Failure to appear at the scheduled hearing will be viewed adversely and will result in the Judicial Officer or Student Affairs Disciplinary Committee rendering a decision based upon the available evidence and without the opportunity to hear your testimony. If there is a conflict with a class schedule, it is your responsibility to call and reschedule before the hearing date. You can reach us at deanofstudents@jsums.edu or 601-979-2329.

### **What should I wear to my hearing?**

If you have class on the day of your hearing, you can wear whatever you wore to class. The appearance you present is entirely up to you. You should be comfortable and in appropriate attire to meet with a University administrator. However, rolling out of bed and appearing in sleep attire is unacceptable.

### **Should my parents/guardians attend the hearing?**

It is not required that your parents/guardians attend the hearing with you. They may attend and serve as an advisor. However, they will not be allowed to speak on your behalf.

### **Can I bring a lawyer?**

You may have an advisor present at any judicial hearing. Should you decide to bring an attorney, it is with the understanding that they may only serve in an advisory capacity (not for representation purposes) to you. You must notify Judicial Services 48 hours prior to the hearing if the advisor is an attorney.

### **What is the Student Affairs Disciplinary Committee?**

Membership of the Student Affairs Disciplinary Committee (SLDC) is comprised of the Associate Dean of Students, faculty and staff members, and elected student justices of the Student Government Association. The elected student justices consist of the Chief Justice, Associate Chief Justice and three justices; although all may serve at a particular hearing, only three are required. The Associate Dean of Students presides at the hearing of the committee. This committee shall hear cases which may result in a student, student group, and/or student organization being admonished, exonerated, receiving a letter of warning, being assigned University service or counseling, receiving a fine, being placed on probation, losing privileges, being assigned a research assignment or reflection journal, paying restitution, being required to attend workshops/seminars, being suspended or being expelled from the University community.

### **Who participates in the hearing?**

- The student accused of violating the Student Code of Conduct
- An advisor for the accused student (where applicable)
- Witnesses to the alleged violation
- A Judicial Services Officer or the Student Affairs Disciplinary Committee

### **How long will it take for me to receive a hearing decision?**

Decisions are made within three (3) business days following a hearing. If a decision cannot be made within that time frame, the student will be notified.

### **If I am found responsible, what types of sanctions can be imposed in my case?**

You may be assigned a sanction which could include educational activities, restitution, restrictions, community service, etc. Please refer to the possible sanctions for misconduct in the Student Code of Conduct.

### **Can I get suspended or expelled?**

If the outcome of your hearing result in suspension or expulsion, then yes, you would not be allowed to attend Jackson State University.

### **I was put on probation. What does that mean?**

Probation is a specific period of time in which a student has to complete sanctions and demonstrate the ability to be a responsible member of the community. Any violation of the Student Conduct Code or the conditions of probation committed during the probationary period will result in further disciplinary action.

### **I was given a fine as a part of my sanction. Why am I being charged a fine for going through the judicial process?**

A fine is associated with many of the Student Code of Conduct violations. The aim of Judicial Services is to encourage and educate students to take responsibility for their actions in the community. The funds accrued from the fees are provided to the Jackson State University Judicial Services Program, as well as sexual misconduct, assault, alcohol and drug education and prevention programs.

### **My friend had a similar violation before but I received a stiffer sanction. Why is that?**

All sanctions imposed on students who have been found responsible of violation(s) are based solely on individual circumstances. No case is exactly the same as another, and sanctions will most likely differ in similar instances. It is primarily the decision of the Associate Dean of Students for Judicial Services, Associative Vice President for Student Affairs/Dean of Students, Inter-Residence Hall Committee, Residence Life Coordinator, or the Student Affairs Disciplinary Committee to determine the sanction imposed on each student.

### **What do I do if I think the outcome isn't fair?**

If, after a judicial hearing, the student feels there was a substantial violation of the hearing procedure or there is new evidence, witnesses, or facts which were not reviewed during the initial hearing, the student may submit an appeal. Please refer to the Student Code of Conduct for the judicial appeals process.

### **How do I proceed with an appeal?**

Submit a written statement of appeal to the Associate Vice President for Student Life and Dean of Students within one (1) business day of receiving the sanction decision letter.

### **If I decide to appeal, what happens to the sanctions while my appeal is being processed?**

Sanctions will be effective immediately until an appeal decision has been reached.

### **How long is the appeal process?**

An appeal decision is made within five (5) business days after receiving the initial appeal request.

### **Can I appeal the appeal decision?**

All appeal decisions are final, unless the case involves expulsion. In that case, the student may appeal the sanction to the President of the University, in writing, with a copy to the Associate Vice President for Student Life/Dean of Students within 24 hours of receipt of the decision of the Associate Vice President for Student Life/Dean of Students.

### **What can I (as the complainant) do if I don't like the results of the resolution?**

The results of a hearing are final unless the student charged with violating the Student Code of Conduct initiates the appeals process.

### **What happens if I don't complete a condition of my sanction?**

Failure to complete a condition of a sanction may result in a judicial hold being placed on your record. It may also result in an additional code of conduct violation (failure to comply). If there is a judicial hold on your records, you may not register for classes, drop or add classes, receive your grades, or receive transcripts from the University.

### **What happens if I violate the Student Code of Conduct more than one time?**

It depends. It will depend on your previous violation(s), your previous outcomes (decision) and if you are currently on disciplinary probation. If you have completed any conditions associated with your previous sanction, and you are currently in good standing, your previous history may not matter. Please be aware that any evidence that your violations indicate a "pattern of behavior" may result in harsher sanctions.

### **I've already been to court about this incident. Do I still have to meet with someone in Judicial Services? Isn't that double jeopardy or something?**

If you've already been to court for the alleged incident, then you have fulfilled your obligation to any violation of LAW. Meaning, you have met the requirement set forth under Mississippi Law for the designated county. You have not, however, met your obligation for Jackson State University policy. Even if the court found you "not guilty" or determined there wasn't sufficient evidence to even "hear" your case in court, you must still meet with a Judicial Services staff member for a hearing. The University judicial process runs separately and concurrently to any process the law requires, and determines responsibility based on the preponderance of evidence. This process is not considered double jeopardy.

### **Are you going to call my parents/guardians?**

The 1974 Family Educational Rights and Privacy Act guarantees that your educational records are kept confidential, unless you choose to waive those rights in writing. If you want your parents/guardians to become involved in this process, you would have to waive those rights in writing to have a Judicial Services staff member speak with them. An exception to this was facilitated by the 1998 Higher Education Amendment, which allows Colleges and

Universities to contact parents/guardians of students who are under the age of 21 and found responsible for violating the alcohol policy. Additionally, any time students are found in violation of the University drug policy, parents/guardians can be contacted.

**How will this process affect my status as an athlete? Will my coach be notified?**

It depends on the severity of the alleged Student Code of Conduct violation. However, your coach will be notified of the allegations, in order to adhere to all NCAA rules and regulations. Further, the need to notify them is critical due to the possible overlap of sanctions and athletic events.

**Who will know I've been charged?**

Unless you waive your rights under the Family Educational Rights and Privacy Act, only you (the student charged with the violation) and respective University officials will know that you have been charged with a conduct violation. Keep in mind, community service and other campus sanctions may involve campus offices and resources. Although those campus resources will not be informed of the full extent of your case file, it is important for them to be aware of why you are being required to complete sanction(s) through their office. For violations considered crimes of violence, the victim is notified of the judicial outcome only (whether a student has been found responsible or not responsible).

**Will the outcome of the Judicial Services process go on my transcript or in my student records?**

Currently, Jackson State University does not note judicial outcomes on student transcripts, unless a student has been suspended or expelled. However, judicial decisions will be kept in your judicial file.

**Will potential employers have access to my conduct record?**

Your conduct record will only be accessible to them if you provide written permission allowing it.