

University of Mississippi School of Law
Student Conduct Code
Effective August 21, 2017 (as Amended April 22, 2020)

I. Law School Mission Statement¹

As an outstanding public law school, the University of Mississippi School of Law leads, excels, and inspires by preparing students for the practice of law in a changing global marketplace, expanding the horizons of legal knowledge through scholarly research, and serving diverse communities in the state, region, nation, and world. As it pursues its mission, the Law School also has a special responsibility to the State of Mississippi as the State's only public law school and a central component of its flagship university. The Law School graduates innovative, practice-ready lawyers who enhance the legal profession, promote the cause of justice, and serve the public. The Law School empowers students to reach their highest potential through a curriculum centered on doctrinal courses, legal research and writing, skills training, clinical instruction, externships, and professional ethics. As a state school, the Law School has a special commitment to educate state residents and train lawyers who will serve the needs of the State of Mississippi.

The Law School advances legal knowledge through the publication and presentation of original scholarly research. The Law School's support for scholarship and a vibrant culture of inquiry provides a crucial foundation for the teaching and service components of the Law School's mission—in addition to the intrinsic value of the expansion of knowledge.

The Law School serves diverse communities through its programs and personnel in order to transform lives and promote access to justice, legal professionalism, progress, reform, and the public interest. The Law School's clinics, centers, institutes, and programs are essential to the Law School's service mission, which has a special emphasis on Mississippi communities.

II. Student Rights and Responsibilities²

A. Free Inquiry, Expression, and Assembly

Law students are encouraged to freely examine and exchange diverse ideas both inside and outside the classroom. In doing so, however, students and others must comply with other, generally applicable, University of Mississippi School of Law policies.

1. Organized Student Demonstrations

If a student or student organization intends to initiate, sponsor, or host a demonstration or

¹ This Mission Statement was taken from the Law School's 2020 Strategic Plan, which was adopted in the Spring of 2016.

² The language in this section was taken from the University of Mississippi's M Book. This section will be updated when changes are made to the M Book.

event that may draw a large crowd, require security, impede pedestrian or vehicular traffic, include a parade, march, or other similar activity, or pose a substantial risk of disrupting the functioning of the Law School or of violating any other Law School policy; the student or student organization must contact the University of Mississippi School of Law Communications Specialist in advance of the activity and complete a written Event Registration form (<http://law.olemiss.edu/events/submissions/add>).

The Communications Specialist in conjunction with the Associate Dean for Student Affairs will work with the requesting student or student organization to either meet the request or find a suitable time and location that balances the rights of the requesting student or student organization with the rights of others and the School of Law's educational mission.

The purpose of this policy is not to designate University streets and common areas as a public forum or to accommodate demonstrations or protests by those who are not part of the University community (non-students and other campus guests). Rather, the purpose of this policy is to promote and facilitate student expression while allowing the School of Law to make any necessary arrangements (such as arranging parade route or providing security) to assure such activities do not interfere with the University's mission and operations or with the rights of others.

2. Handbills, Posters, Flyers, Banners, and Signs

The Communications Specialist or Dean's representatives may designate areas in classrooms and or in or around the School of Law for students or student organizations who wish to post handbills, posters, flyers, banners, signs, and other similar items on campus. However, The University of Mississippi School of Law prohibits the posting or display of these items by students or student organizations outside of these designated areas, including on the exterior of any University building, telephone/utility pole, tree, sidewalk, window, trash can, or any other exterior surface located on the campus, including vehicles.

3. Speaker's Corners

To facilitate robust debate and the free exchange of ideas, the University has established high visibility areas on campus as "Speaker's Corners" that may be used by any person including non-students and other campus guests. This use may be without permission from the University so long as the area has not been previously reserved or scheduled for a particular function, no sound amplification is used, and the participants do not violate other University policies. Designated Speaker's Corners include:

- a) the edge of the Union Plaza adjacent to the Grove,
- b) the area surrounding the flagpole in the Lyceum Circle, and
- c) the plaza in front of Fulton Chapel.

Although it is not necessary for a person using one of the designated Speaker's Corners

to obtain prior permission from the University, the University encourages such persons to contact the Office of the Dean of Students for scheduling purposes to minimize possible conflicts. Nothing in this section shall be interpreted as limiting the right of student expression elsewhere on the campus so long as the expressive activities or related student conduct do not violate any other applicable University policies.

4. Use of Chalk on Sidewalks

The University of Mississippi limits the use of sidewalk chalk, sidewalk art, or other sidewalk chalk displays to University messages in support of University sponsored events or activities. Sidewalk chalk should not be used on University structures and buildings, including but not limited to steps, verandas, porches, columns, and monuments.

B. Right of Privacy and 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 School of Law. 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, and participation in officially recognized activities and sports.

Students may request that the School of Law not release directory information by completing a FERPA block form in the University of Mississippi School of Law's Registrar's 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 Registrar 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 School of Law 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, if the student is under age 21;

To University of Mississippi School of Law Officials who have a legitimate educational interest;

In connection with a health or safety emergency if necessary to protect the student or others;

To financial aid lenders checking enrollment status for loan purposes;

To authorized representatives of the following: Secretary of the United States Department of Education; Office of the United States Comptroller General; and 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

The final results of a University of Mississippi School of Law conduct proceeding regarding an alleged crime of violence or non-forcible sex offense to the alleged victim of such offense.

C. Right of Complaint

University of Mississippi School of Law Community members 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 Law School or its employees. Community members also have the right to expect a timely response to any complaint. Defamatory or baseless charges may cause a community member to be held responsible for violations of School of Law policies or for action through the courts. Complaints may be entered at <http://law.olemiss.edu/current-students/student-comments-concerns-and-complaints/>.

D. Right to be Secure

Students at the University of Mississippi School of Law 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.

E. Right to Participate in Student Organizations

Students at The University of Mississippi School of Law have the right to participate in student organizations and conduct social affairs. Responsibility for the conduct of such activities rests with the sponsoring organization. In participating in these activities, all organizations are required to adhere to policies and standards of conduct prescribed herein by the Law School.

III. Student Conduct Code

Preamble

A law school student conduct code serves three central purposes: (1) to inspire high standards of professional conduct; (2) to help ensure that students will be eligible to be granted bar membership in a U.S. jurisdiction upon graduation; and (3) to protect the law school community.

Law school represents the beginning of a student's professional career, and law students should conduct themselves accordingly. From application for admission to the law school and continuing until the law school's conferral of a juris doctor degree, each student is expected to observe the highest ethical standards of the profession. Therefore, each student is expected to read and observe the Student Conduct Code. Law students will be subject to the procedures of this Student Conduct Code in any controversy governed by its provisions.

A law school should strive to ensure that each student will be eligible to become a member of the bar in any U.S. jurisdiction upon graduation. Likewise, a law school needs a professional atmosphere in which a student's responsibilities are reasonably clear and the procedures for the protection of the individual and the profession are clearly communicated. This Student Code is designed to reflect the ethical norms and requirements that are relevant to a student's eligibility for admission to practice law in a U.S. jurisdiction. All procedures provided in this Student Code should be executed with the intention of creating viable candidates for bar admission, consistent with the ethical rules promulgated by the ABA and the legal community that it supports.

This Student Code also serves to protect our community. Under this Code, when students engage in misconduct in violation of this Code, the Law School can take appropriate steps to protect the personal safety and property of all members of the Law School community (faculty, staff and students).

Conduct Violations

A. Standards for Misconduct

A law student or law student organization shall not engage in the following misconduct:

1. Making a material misrepresentation or omission to a member of the faculty or administration or to law school employees respecting law school admission, financial aid, academic credit or standing, any matter concerning enforcement of this Code, or to gain an advantage in pursuit of employment.
2. Forging, altering, or using school documents, records, or identification cards with the intent to defraud.
3. Cheating or other similar dishonesty in connection with any law school activity including pursuit of employment.
4. Intentionally disrupting the classroom or the business of the law school.
5. Committing theft at the law school or at any other site.
6. Unreasonably interfering with the appropriate use of the library or the legal clinic by other members of the law school or university community, including but not limited to, the following misconduct:
 - (a) Hiding or damaging law school materials or property;
 - (b) The unauthorized removal of materials or property from the law school;
 - (c) The fraudulent use of law school or legal clinic equipment or facilities;
 - (d) The intentional damaging of library, legal clinic, or student computer software or hardware, such as by adding a virus or deleting a file; or
 - (e) Violating other library rules to the detriment of another library user, such as by refusing to return library materials when requested if they are needed by another patron after the due date.
 - (f) Violating the Law School Clinic's Oath of Confidentiality or Clinical Digital Files Policy.
7. Intentionally or recklessly damaging or defacing property of the law school or university or of any member of the law school or university community.
8. Engaging in sexual misconduct in violation of University of Mississippi policy DSA.SC.200.075. (The University's policies concerning sexual misconduct can be found here: <http://studentaffairs.wp.olemiss.edu/wp-content/uploads/sites/14/2015/06/MBook14.pdf>)
9. Engaging in conduct that threatens or endangers the health or safety of any person on school premises, or at school-sponsored or school-supervised functions at any place.³

³ When a student engages in behavior, including threats, aberrant or strange behavior, violent or perceived violent behavior, repeated threats of suicide or violence against

10. Intentionally interfering with the work performance of a member of the law school or university community.
11. Engaging in unlawful discrimination on the basis of sex, race, color, religion, creed, national or ethnic origin, age, disability or veteran or veteran disability, or discrimination on the basis of sexual orientation, including as a member of any group funded by the law school, Law School Student Body, or other entity recognized by the University. To the extent permitted by law, student groups may apply membership or leadership requirements related to the fundamental character of the group.
12. Interfering with the enforcement of this Code. Conduct in violation of this rule includes, but is not limited to the following:
 - (a) Accusing another student of a violation of this Code knowing that the accusation is false;
 - (b) Intimidating, restraining, retaliating against, coercing, or bribing another student with respect to reporting an alleged violation of this Code or participating in a Conduct Board proceeding;
 - (c) Refusing reasonable cooperation in an investigation of an alleged violation of this Code;
 - (d) Failing, without a reasonable excuse, to appear and give testimony before the Conduct Board, the Associate Dean, or faculty;
 - (e) Misrepresenting or failing to disclose material facts to the investigator, the Conduct Board, the Associate Dean, or faculty;
 - (f) Failing to comply with an order issued under this Code, unless an appeal from that order is pending;
 - (g) Tampering with evidence relevant to a Conduct Code charge.
13. Attempting or conspiring to violate this Code constitutes misconduct.
14. Engaging or having engaged in any conduct that, under the laws of the United States or the state where such conduct occurred, constitutes a crime punishable by incarceration, whether or not the student is charged in a criminal court and whether or not the punishment of incarceration is actually imposed. If such conduct occurs in a foreign nation, it is misconduct under this code if it constitutes a crime punishable by incarceration both (1) in that foreign nation and (2) under the laws of the United States or any state.

others, the Dean or the Dean's representative will notify the University of Mississippi's Student Intervention Team. (<http://umatter.olemiss.edu/student-intervention-team-sit/>)

15. Students must disclose on their law school application information responsive to specific and detailed questions related to their character and fitness to practice law including the following:

- a) if they have been charged with, arrested for, convicted of, or pleaded guilty or nolo contendere to a violation of any law (excluding parking tickets),
- b) whether they have been expelled, suspended or dismissed from any college or university;
- c) whether they have ever been subject to disciplinary action for academic or other reasons in any of the colleges, universities, or professional schools that they have attended, or by any professional society;
- d) whether any disciplinary charges (academic or other) are currently pending or expected to be brought against them by any college, university, or professional school, licensing body, or professional society;
- e) whether their education in college, university or professional school has been interrupted for one term or more for any reason; and
- f) whether they have ever been parties to a lawsuit

Failure to fully disclose this information constitutes misconduct under this Code.

16. Students also have an ongoing duty to supplement their answer to the questions in paragraph 15.

- a) Before matriculation, students must amend their law school application with relevant information.
- b) After matriculation, students must fully disclose any conduct that they have not previously reported.
- c) If students engage in conduct covered by the admissions application after they start law school, they must fully disclose that conduct within 5 school days of any new developments.

Failure to comply with these reporting requirements (including untimely disclosures) constitutes misconduct under this Code.

17. Engaging in conduct that reflects adversely on a law student's honesty, trustworthiness or fitness as a lawyer or law student, including conduct involving fraud, deceit, or misrepresentation.

18. Engaging in any other conduct that would render a student unfit to practice law, including violations of any state's rules of professional responsibility while acting under student practice rules in that state.

B. Reporting misconduct:

1. A law student, knowing of facts from which a reasonable person would conclude that another student has committed a substantial violation of the Code, shall promptly report it to the Associate Dean, and failure to do so shall constitute misconduct. A student should also report any suspected violation. This reporting obligation does not apply to information that is confidential under the applicable rules of professional conduct.

C. Procedures for Conduct Violations

1. The Conduct Board

The Law School's Conduct Board has jurisdiction to hear and review cases involving alleged violations of this Code. This extends to conduct that occurred while the individual was enrolled at the Law School even if the individual has graduated or otherwise left the Law School. Pursuant to the Honor Code Constitution, the Honor Council has jurisdiction over cases involving alleged academic misconduct. Complaints involving allegations of sexual assault, sexual harassment, or relationship violence must be referred to the University's Title IX coordinator in the Office of Equal Opportunity and Regulatory Compliance or his or her designee.

The Conduct Board sits as the primary fact-finding and decision-making body in the University of Mississippi School of Law's conduct system. The Conduct Board consists of three faculty members and two law students. The Conduct Board shall select the student representatives on an annual basis every April for the following academic year. Students who will have completed 60 credit hours or more at the end of the Spring Semester are eligible to apply. Other than the completed credit hour requirement, there are no other restrictions or requirements for applicants.

The Dean of the School of Law shall select the three faculty members at the beginning of each academic year.

Decisions of the Conduct Board are final, subject only to the appeal process described in Section 8 below.

2. Initiation of University Conduct Proceedings

Pursuant to Section B(1) above, under certain circumstances, law students must report misconduct. In addition, any member of the University community may submit a complaint alleging a violation of this Code. All complaints must be submitted to the Associate Dean for Academic Affairs in writing (email is acceptable). Complaints should include the date of the alleged violation and facts to support that a violation of the Code has occurred. The Associate Dean for Academic Affairs may also initiate complaints against a student based on information received in a police report, court docket or other source.

Upon receipt of a complaint, the Associate Dean for Academic Affairs shall promptly notify the accused student (the Respondent) of the complaint. In addition, the Associate

Dean shall take one of the following actions:

- Refer complaints involving allegations of sexual assault, sexual harassment, or relationship violence to the University's Title IX coordinator in the Office of Equal Opportunity and Regulatory Compliance or his or her designee;
- Determine that the complaint warrants no further action from the Conduct Board and formally dismiss the complaint; or
- Assign charges to the Respondent identified in the complaint.

The determination to assign charges is final and not appealable.

In addition, when appropriate, the Associate Dean for Academic Affairs may bring the matter to the attention of the Assistant Dean for Student Affairs who can inform the Respondent about resources available for personal counseling or other services. The Assistant Dean for Student Affairs can also work with the Respondent to develop an appropriate action plan to help the Respondent satisfy applicable Character and Fitness determinations.

3. Notice of Charge(s)

Upon deciding to charge the Respondent, the Associate Dean for Academic Affairs shall send the Respondent written notification (email is acceptable) informing the Respondent of the charge(s) and inviting the Respondent to meet for a Case Meeting. This notice will inform the Respondent of the specific policy, rule, or regulation that the Respondent is charged with having violated and any other information deemed pertinent to the specific case.

4. Case Meetings and Administrative Agreements

At the Case Meeting, the Associate Dean for Academic Affairs shall discuss the charges with the Respondent and review the Respondent's rights as set forth in this Student Conduct Code. At the Case Meeting or at any time before a Conduct Board hearing, the Associate Dean and the Respondent may decide to resolve the matter through an Administrative Agreement. If the parties agree to resolve the case by Administrative Agreement, the outcome and sanctions assigned in an Administrative Agreement are final, and neither party may appeal.

5. Notice of Hearing

If the case cannot be resolved by Administrative Agreement, the Conduct Board shall issue a Notice of Hearing that informs the Respondent of the date, time, and place of the Conduct Board hearing. Reasonable efforts will be made to accommodate the Respondent's schedule.

6. Conduct Board Hearing Process

The Conduct Board shall preside over the hearing.

Conduct Board hearings are closed to the public.

The Conduct Board 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. At the beginning of the hearing, the Conduct Board shall explain the process that will be followed at the hearing.

Formal rules of process, procedure, and/or technical rules of evidence such as those applied in United States criminal or civil courts, except where otherwise mandated by law, are not applicable during the hearing.

The Conduct Board shall make all procedural and evidentiary determinations, which are final.

The Conduct Board hearing will be recorded on a digital audio file and will be made available to the Respondent upon request during the period in which an appeal may be filed or is pending.

The Conduct Board may, in its discretion, consolidate Conduct cases arising from a common nucleus of facts or circumstances.

The Associate Dean for Academic Affairs and the Respondent shall have the right to present information and evidence for the Conduct Board's consideration. The Associate Dean for Academic Affairs is responsible for providing information to the Conduct Board to support the charges against the Respondent, and the Respondent is responsible for providing information to the Conduct Board to support his or her defense.

The Respondent has a right to have an advisor attend the hearing; however, advisors are not permitted to speak or participate directly in the hearing.

The parties may ask the Conduct Board to present witnesses and the Conduct Board may, in its discretion, permit witnesses to testify.

As the parties present information for the Conduct Board's consideration, members of the Board may ask questions of the parties and other witnesses concerning the information presented or other information pertinent to the charge. The Associate Dean and the Respondent are also permitted to make inquiries of the same nature.

Refusal to respond to questions posed during a hearing may lead to an adverse inference by the Conduct Board concerning the subject matter of the question posed, and the Conduct Board may consider this adverse inference in making its final decision.

The parties shall have the opportunity to make a final statement prior to the conclusion of the hearing.

At the conclusion of the hearing, the Conduct Board shall deliberate in private and shall

determine by a simple majority vote whether, by clear and convincing evidence, the Respondent violated the Conduct Code. In determining whether the Respondent is responsible for violations of the Conduct Code, the Conduct Board may consider information upon which law schools normally make academic, professional, and business judgments, including but not limited to pertinent records, exhibits, and oral and written statements.

The Conduct Board may utilize a Respondent's criminal conviction by any trial court of competent jurisdiction as a final, factual determination that the Respondent violated the Conduct Code.

If the Respondent is found responsible for misconduct, the Conduct Board shall determine by simple majority the appropriate sanction(s).

Once it reaches a determination, the Conduct Board shall promptly notify the Associate Dean for Academic Affairs and the Respondent of the outcome.

7. Failure to Appear

If the Respondent fails to attend his or her scheduled Conduct Board hearing, the hearing may be held in the party's absence. In its discretion, the Conduct Board may choose to reschedule the hearing.

8. Appeal

The Faculty Hearing Panel Review Committee, which is appointed annually by the Dean of the Law School and hears appeals that result from determinations made by the Honor Council, shall also have jurisdiction over all appeals from Student Conduct Board hearings.

The Respondent may appeal the outcome of a Conduct Board determination. The Respondent must submit a written (email is sufficient) notice of appeal to the Conduct Board and Associate Dean for Academic Affairs within ten (10) business days of the Conduct Board's determination, unless a longer period of time is specified in writing by the Conduct Board.

Upon receiving a notice of appeal, the Conduct Board shall deliver all case materials, including all written statements, the written request for appellate consideration, the case file, and the audio recording of the hearing to the Faculty Hearing Panel Review Committee.

This appeal is on the record and is not a de novo proceeding. The Associate Dean for Academic Affairs and the Respondent may present written and oral arguments to the Faculty Hearing Panel Review Committee. The Faculty Hearing Panel Review Committee (by simple majority) shall promptly decide the matter and render a written decision affirming, modifying, or reversing the Conduct Board's actions. The Faculty Hearing Panel Review Committee's determination should be based on the following:

- Whether the Conduct Board followed its own procedures;
- Whether the decision reached by the Conduct Board was clear error;
- Whether the sanction(s) imposed by the Conduct Board was appropriate for the violation that the Respondent was found to have committed; and
- Whether new evidence exists that was not considered at the original hearing and was not known by the respondent at the time of the hearing and that is sufficient to alter the original decision.

The Faculty Hearing Panel Review Committee shall promptly deliver its written decision to the Associate Dean for Academic Affairs and to the Respondent.

9. **Determination Notice in Students' File**

Pursuant to its obligation to report relevant information to state bar authorities, the Dean's Office shall keep appropriate records in the students' educational files reflecting any final determination that the student has violated this Code.

10. **Students with Disability Accommodations**

Law School 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 part of any proceedings or sanctions resulting therefrom of any Assessment, Conduct Board hearing, or Faculty Hearing Panel Review Committee decision noted above should contact the Assistant Dean for Student Affairs. 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/ or by visiting the Office of Student Disability Services located at 334 Martindale Student Services Center.