

PROCEDURES MEMORANDUM

TO MCC Staff and Students

FROM: Office of the President

SUBJECT: Student Conduct and Discipline

DATE: August 31, 2022

PURPOSE: To help ensure that every student (credit and non-credit) enrolled at Metropolitan Community College is free to pursue educational objectives in a way that does not adversely affect other members of the College community. The purposes of the Student Conduct Code are to: (1) specify the minimum standards of conduct expected of every Metropolitan Community College student while on College property, at cooperative agencies, and while in attendance at College-affiliated activities; and (2) specify the sanctions which may be imposed and the procedures for the imposition of sanctions when the College's standards of student conduct are violated.

SCOPE: The Student Conduct Code applies to behavior of full-time and part-time students (credit or non-credit) at Metropolitan Community College that occurs on College premises, at College-sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives.

GENERAL PRINCIPLES:

Metropolitan Community College is committed to the philosophy that people should be given an opportunity to develop their skills and knowledge, as well as an awareness of their roles and responsibilities in society. The college is devoted to serving the educational and occupational needs of the four-county area and the State of Nebraska.

Registration at the college means a commitment to the seriousness of purpose, academic integrity and high standards of personal and social behavior. Students are expected to be cooperative and responsible members of the college community, to comply willingly with college regulations and to abide by local, state and federal laws. It is to the above philosophy and ends that these student conduct and discipline procedures have been developed.

Metropolitan Community College students are responsible to know the information, policies and procedures outlined in this procedures memorandum. Metropolitan Community College reserves

the right to make changes to this Student Conduct Code as necessary. Once those changes are posted online, they are in effect.

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SECTION I

Academic Misconduct

Academic Violations of the Conduct Code

1. During examinations: Referring to information not specifically condoned by the instructor, including receiving information from a student or other unauthorized source.
2. Regarding academic assignments: Representing another's work, or any part thereof, be it published or unpublished, as one's own. It shall also include presenting or submitting any academic work in a manner that impairs the instructor's ability to assess the student's academic performance. For example, plagiarism includes failure to use quotations marks (or other conventional markings around material quoted from any source) and/or failure to correctly cite the author of that source.
3. Obtaining, distributing, or referring to a copy of an examination which the instructor has not authorized to be made available for such purpose.
4. Any act which impedes the ability of other students to have fair access to materials assigned or suggested by the instructor. For example, removal or destruction of library or other source materials is a violation of this code.
5. Academic dishonesty shall include tampering with another student's work or impairing in any way the instructor's ability to assess the academic performance of another student.

6. Alteration of grades or any other records related to the academic performance of students. This shall also include submitting false records in order to gain admission to the college.
7. Assisting, attempting to assist, or conspiring to assist another student in committing the offenses as outlined above.
8. Attempting to commit any offense as outlined above.

Academic Penalties

Penalties for Academic Misconduct include one or a combination of the following:

1. A lower or failing grade in the course,
2. A lower or failing grade or score on the assignment or examination
3. Additional work to provide evidence of the student's academic performance and/or evidence that the student knows and understands the course material.
4. Other sanction(s) determined appropriate by the Vice President for Academic Affairs as outlined below.

Importance of Syllabus

The syllabus is a document of record in which instructors clearly state student expectations for the class, including a statement regarding Academic Misconduct. The MCC Syllabus Template will be regularly updated to contain accurate references to college policy on Academic Misconduct. Instructors may include in their syllabi further specifications of the acts which shall constitute an Academic Violation of the Conduct Code and the Academic Penalties which follow from such violations, as long as those specifications are consistent with the provisions of this Conduct Code. Any changes from the approved MCC syllabus template regarding MCC policies must be approved by the faculty's academic area dean. The absence of specific reference to the college's Student Conduct Code in a syllabus shall not relieve the student of the duty to adhere to the standards set forth in this procedures memorandum or specific programmatic requirements.

Procedure

1. When an instructor has evidence that a student has violated the Conduct Code, the instructor will discuss the evidence of misconduct and the penalties with the student. In determining Academic Misconduct or Academic Penalties, the instructor may consult with their Academic Dean. Instructors will complete the Academic Misconduct Report form and forward to the appropriate Academic Dean. Deans will sign and forward the Report form to the Vice President for Academic Affairs.

2. The Vice President for Academic Affairs will review and retain Academic Misconduct Reports, imposing additional penalties for recurring violations of Academic Misconduct.

Appeals

If the student disagrees with the determination or the sanctions imposed by the instructor, they may appeal to the Academic Dean for the area. The appeal should be in writing and submitted to the Academic Dean within five (5) college business days. The Academic Dean shall review all of the evidence and the decision of the instructor and may either affirm the action taken by the instructor, modify the sanctions as they deem appropriate under the circumstances, or find for the student. The Dean will then forward the decision within five (5) college business days to the Vice President for Academic Affairs for review.

Review by the Vice President for Academic Affairs

The Vice President for Academic Affairs shall review the Academic Misconduct Report and may, based on the severity of the violation(s) or should the student have a record of previous Academic violations, impose one or more of the following penalties:

1. Dismissal: An indefinite separation from the College.
2. Suspension: A separation from the College for a specified period of time, not to exceed two years. At the conclusion of the period of suspension, the student will be permitted to return to the College on a probationary basis.
3. Probation: A conditional retention of student status until the student graduates from the College.
4. Reprimand: A written statement from the Vice President for Academic Affairs expressing disapproval of conduct.
5. Cancellation of graduation with honors.
6. Cancellation of scholarships.
7. Other reasonable sanctions or combinations of sanctions within the authority and discretion of the Vice President for Academic Affairs.

SECTION II

Non-Academic Misconduct

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all, but do not include the same protections of due process afforded by the courts. Due

process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of Metropolitan Community College policy without information showing that it is more likely than not that a policy violation occurred. Any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Violations

Any student found to have committed the following misconduct has violated the Student Conduct Code and is subject to disciplinary process:

1. Falsification: Knowingly furnishing or possessing false, falsified, or forged materials, documents, accounts, records, identification, or financial instruments.
2. Taking of Property: Intentional and unauthorized taking of Metropolitan Community College property or the personal property of another, including good, services, and other valuables or the knowingly taking or maintaining possession of stolen property.
3. Financial Responsibilities. Failure to promptly meet financial responsibilities to the college, including, but not limited to; knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity;
4. Failure to comply with the directives of college officials or college police officers acting in the performance of their duties, including but not limited to:
 - A. refusing to depart from any property or facilities of the college upon direction to do so,
 - B. failure to identify oneself or falsely identifying oneself when requested to do so
5. Disruptive behavior: Substantial disruption of college operations including obstruction of teaching, research, administration, other college activities both on and off campus; and/or other authorized non-college activities which occur on campus. Examples of disruptive behavior that impacts the teaching and learning environment, both in and out of the classroom including but not limited to:
 - A. Interfering with an instructor's ability to conduct class by failing to follow the instructor's rules or instructions regarding behavior.
 - B. Dominating conversations, digressing excessively from the subject matter and repeatedly interrupting faculty and/or students.
 - C. Inappropriate or unauthorized use of electronic devices, cell phones and pagers (such as repeatedly allowing cell phones to ring, answering cell phones or allowing pagers to beep).
 - D. Sleeping in class that causes a disturbance.
 - E. Eating and drinking in class when such behavior is not permitted.
 - F. Persistent speaking outside of classroom expectations.
 - G. Making loud and distracting noises.

- H. Use of profanity that interferes with the others ability to benefit from the college's educational program or activities.
 - I. Obstructing, impeding, or blocking entrances to or hallways in college buildings, roads, sidewalks or windows on college property, or entrances to college campuses.
6. Unauthorized entry into any college office or area or unauthorized accessing of college records. Unauthorized possession, use or duplication of keys, key cards or passwords to college vehicles, buildings, computer system(s), or other property.
 7. General Harassment: Actions or words that threaten the safety of others or create a hostile, abusive, coercive, or intimidating college or college-related educational, learning or working environment for others are prohibited. This includes but is not limited to obscene phone calls, text messages, voicemails, emails, instant messages, posts on social media or other forms of written messages, obscene verbal exchanges, motions of violent behavior, and bullying and cyberbullying.
 8. Stalking, defined as: to follow or otherwise contact another person repeatedly, so as to put that person in fear for his or her life or personal safety.
 9. Gambling or holding a raffle or lottery on campus or at any college or college-affiliated function or premises without the approval of the College President or Vice President for Student Affairs.
 10. Trademark: Unauthorized use (including misuse) of Metropolitan Community College name, logo, and images.
 11. Using, possessing, manufacturing, selling, or distributing illegal drugs, narcotics or controlled substances on college property or at any college or college-affiliated function or activity (not including possession or use of medications pursuant to a physician's prescription).
 12. Using or being under the influence of alcoholic beverages on college property, other than at an event where consumption of alcoholic beverages has been approved by the College Board of Governors in advance.
 13. Use or Possession of a Weapon, Fireworks or Explosives: Possessing on college property, or at any college or college-affiliated function or activity, any dangerous chemical or explosive element, fireworks or any component parts, or any rifle, shotgun, pistol, revolver, or other firearm or weapon, not required for lawful college studies, without the authorization of the College President. (Pocket knives are permitted as long as the blade is no longer than three inches in length)

14. Public exposure: Obscene or indecent behavior, which includes, but is not limited to, exposure of one's sexual organs or the display of sexual behavior that would reasonably be offensive to others, and public urination and defecation.
15. Violating any local, state or federal law, ordinance or regulation (a) while on college property, or (b) while in the course of any college or college-affiliated function or activity, or (c) which violation adversely affects or adversely reflects upon the college's pursuit of its educational activities or the pursuit of educational, employment or other lawful activities of any student, or visitor, or employee of the college, or any other person.
16. Violating campus or college parking regulations.
17. Engaging in behavior that creates a threat to the harm to others or property. This includes, but is not limited to:
 - A. Physical violence towards another person or group;
 - B. Causing or attempting to cause or threatening to cause physical injury to a college employee, official, student, visitor, or guest. This will include all forms of sexual violence. This shall not include injury caused by accident occurring despite the use of reasonable care, or self-defense or action undertaken under a reasonable belief that it was reasonably necessary to prevent injury or harm to some other person;
 - C. Encouraging or recommending the use of force or the threat of force or the seizure of property under the control of the college;
 - D. Physically detaining or restraining, however briefly, any other person against their will;
 - E. Removing any person against such person's will from any place where the person is authorized to remain;
 - F. In any way purposely obstructing the free movement of persons or vehicles on college premises or at college or college-affiliated functions or activities;
 - G. Participating in or inciting a riot or disturbance, or a disorderly assembly, which disrupts or obstructs any college activity or function;
 - H. Seizing, holding, taking, commandeering, or damaging any property or facilities of the college, or threatening to do so;
 - I. Littering, or willfully or recklessly defacing, destroying or damaging property of the college (or property under its jurisdiction or control), or property of another person or entity, or removing or using such property without proper authorization.
18. Violating any policy or rule governing the conduct of students which has been adopted by the College Board of Governors or the College President or other authorized college official, includes violating any rule or regulation not contained or referred to within the official

college catalog, after notice of such rule or regulation, or after publication on college bulletin boards and online (or otherwise) of such rule or regulation.

19. Harassment and Discrimination in violation of Procedures Memorandum VI-4, VI-34, V-2, and V-3. Engaging in harassing or discriminatory behavior based on race, color, creed, religion, national or ethnic origin, ancestry, genetic information, physical or mental disability, age, sex, sexual orientation, gender identity or expression, pregnancy, marital status, veteran status, AIDS/HIV status, citizenship, or medical condition, as those terms are defined under applicable laws, will not be tolerated. Behavior may take the form of name calling, taunting, undesired statements regarding the person, graffiti, or other outward actions which are interpreted as discriminating or harassing to others.
20. Sexual Misconduct or any other unwelcome sexual, sex based or gender-based conduct which includes, but is not limited to:
 - A. sexual harassment,
 - B. non-consensual sexual contact,
 - C. non-consensual sexual intercourse,
 - D. sexual exploitation,
 - E. domestic violence,
 - F. relationship violence,
 - G. stalking.

NOTE: Sexual harassment that, if proven, meets Title IX regulatory standards, will be adjudicated under a separate process.

21. Misusing College Information Technology and Resources in violation of Procedures Memorandum X-15, including but not limited to:
 - A. disrupting access of other students, faculty, or staff members to college computers and other technical resources by using these resources in an inappropriate manner;
 - B. knowingly obtaining without authorization access to a computer account assigned to another person or using an account assigned to another student, faculty or staff member, or other person, or department or organization, for other than its intended purpose or without permission from the account assignee;
 - C. intentionally using any unauthorized account;
 - D. using college computer equipment to interfere with the lawful rights of others;
 - E. falsifying or altering records;
 - F. creating fraudulent documents;

- G. damaging programs belonging to the college or to another;
 - H. sending harassing or threatening material or communication;
 - I. accessing, viewing, uploading, downloading, distributing or possessing obscene material;
 - J. duplicating software unlawfully; or
 - K. using College facilities and/or resources for non-academic or personal purposes.
22. Smoking or using tobacco products in violation of Procedures Memorandum IX-5.
23. Any violation of the code by a student's non-college guest. "Guest" is defined as any non-student present on college premises at the invitation and/or hosting of the student.
24. Violations related to fire safety, including but not limited to:
- A. Failure to properly evacuate during a fire alarm.
 - B. Intentional sounding of a fire alarm without cause, or causing to be initiated any false report, warning, or threat of fire, explosion or other emergency.
 - C. Illegal possession of, or removal of, damage to, or tampering with fire safety or other emergency warning equipment.
 - D. Arson, or unauthorized setting of fires on college property.
25. Retaliation: Engaging in any adverse action or threatened action, taken or made, personally or through a third-party, against someone who has filed any complaint or has been the subject of a complaint or any other individual who engages with an established disciplinary process is prohibited.
26. Refusal to leave college premises when directed to do so when exhibiting symptoms of a contagious illness or failing to comply with any federal, state, local, or college health mandates.
27. Knowingly encouraging, aiding, assisting, or abetting any other person(s) to commit any act of misconduct prohibited above.

In addition to the foregoing general standards of conduct which apply to all students, individual educational programs within the college may have standards of conduct which students within those programs must observe. In addition to the sanctions, which appear in this PM, individual educational programs may specify sanctions of their own. Individual educational program standards of conduct and sanctions appear in specific program manuals, handbooks, other program publications, or on-line, and are generally discussed at program orientation.

The procedures which follow in this PM apply to any violation of standards of conduct, whether general standards of conduct set forth in this PM or specific program standards of conduct.

Sanctions

The following sanctions may be imposed for violations of the Student Conduct Code. In each case, the sanction(s) to be imposed will be determined by examining the nature and severity of the violation. In each case, the cumulative effect of a student's prior violations of the Student Conduct Code and the student's prior disciplinary records may also be considered in determining the appropriate sanction.

1. Disciplinary Warning

A verbal or written statement to the student that the student has violated college rules and may be subject to more severe disciplinary action if such behavior continues or is repeated.

2. Disciplinary Probation

Exclusion from the privilege of using specified facilities of the college or from participating in extracurricular activities of the college, including the holding of any student or student organization office, for a specified period of time, or other terms of disciplinary probation deemed appropriate under the circumstances. The terms of any such disciplinary probation imposed will be specified in writing and may include the withdrawal of any privileges or services otherwise provided by the college.

3. Restitution

Compensation for damage caused to the college's or any person's property. This is not a fine but, rather, a repayment for labor costs and/or the value of the property destroyed, damaged, consumed, or stolen. Where this sanction is imposed, the decision shall direct that restitution be made by a certain date. The consequences of failure to make such restitution shall be stated. Restitution may take the form of appropriate services or other compensation.

4. Educational Activity

Student will be required to complete a specific supervised college service or activity. A requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid in their learning about a specific topic or issue related to the violation for which the student was found responsible. Audience may be restricted.

5. Interim Actions/Suspension

Immediate exclusion from attending the college or designated courses, curriculum offerings or class sections pending a hearing.

6. Disciplinary Suspension

Exclusion from attending the college or designated courses or curriculum offerings or class sections as a student for a definite period of time, not to exceed one year. During the

suspension period, the student is banned from college-owned or controlled property, college sponsored activity or event.

7. Disciplinary Dismissal

Termination of student status and resulting exclusion from attending the college or from attending or enrolling in designated courses, curriculum offerings, class sections or programs for an indefinite period of time. If any conditions of readmission are established, they may be stated in the order of dismissal. The College President or Board of Governors may also establish, at any time, conditions upon which a dismissed student may be readmitted to the college. During the dismissal period, the student is banned from college-owned or controlled property, college sponsored activity or event.

8. Disciplinary Expulsion

Permanent termination of student status. Readmission to the college will not be granted.

9. Interim Actions

Under the Student Code of Conduct, the Dean of Student Advocacy and Accountability, or designee, after consulting with college police, Associate Vice President of Compliance and General Counsel and/or the Vice President of Student Affairs, may impose restrictions on and/or separate a student from the college community pending the scheduling of a hearing on alleged violations of the Student Code of Conduct when any of the following conditions exist:

- A. A student represents a threat of serious harm to others;
- B. A student is facing allegations of serious criminal activity;
- C. In order to preserve the integrity of the investigation;
- D. In order to preserve college property and/or prevent disruption of, or interference with, the normal operation of the college.

Interim actions can include separation from the college or restrictions on participation in the college community pending the scheduling of a Conduct Hearing on alleged violation(s) of the Student Code of Conduct. A student who receives an interim suspension may request a meeting with the Dean of Student Advocacy and Accountability to demonstrate why an interim suspension is not merited. Regardless of the outcome of this meeting, the college may still proceed with the scheduling of a Conduct Hearing.

During an interim suspension, a student may be denied access to the college campuses/facilities/events. As determined by appropriate by College Administration, this restriction may include classes and/or all other college activities or privileges for which the student may otherwise be eligible. At the discretion of the Dean of Student Advocacy and Accountability and with the approval of, and in collaboration with, the appropriate Academic Dean(s), alternative coursework options may be pursued to ensure as minimal an impact as possible on the responding student.

If a student is suspended on an interim basis, the Dean of Student Advocacy and Accountability will inform the MCC Chief of Police and the Associate Vice President of Compliance and General Counsel.

10. Special Notice Under the Drug-Free Schools and Communities Act Amendment of 1989 (20 U.S.C. Section 1145g): see Procedures Memorandum X-5, Drug Prevention/Drug Free Schools Act. All students are expected to comply with conduct sanctions within the timeframe specified by the college. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or disciplinary suspension from the college.

Overview of the Conduct Process

This overview gives a general overview of how the MCC conduct process works but should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and not exactly the same in every situation, though consistency in similar situations is a priority. The Student Conduct Code process and all applicable timelines commence with notice to a Student Affairs administrator of a potential violation of college conduct expectations or any college policy.

Any person may file a complaint or report against a student for an alleged violation of the Student Conduct Code using the electronic online reporting form or contacting the Associate Director of Student Advocacy and Accountability for guidance. The college may also initiate a disciplinary process as a result of behavior detailed in a college police report. Once in receipt of a complaint, the college will initiate the following process to address the alleged violation.

Preliminary Inquiry and/or Educational Conference

The Associate Director of Student Advocacy and Accountability, or designee, will conduct a preliminary inquiry into the nature of the incident, complaint or notice, the evidence available, and the parties involved. The preliminary inquiry may lead to:

1. A determination that there is insufficient evidence to pursue the investigation because the behavior alleged, even if proven, would not violate the Student Code of Conduct (e.g.: for reasons such as mistaken identity or allegations of behavior that falls outside the code).
2. A more comprehensive investigation when it is clear more information must be gathered; or
3. An educational conference facilitated by the Associate Director of Student Advocacy and Accountability, or designee, with either the reporting party and/or the responding student.
4. A determination that suspension, dismissal, or expulsion may be an appropriate response to the alleged behavior, if proven, would violate the Student Code of Conduct, the Associate Director of Student Advocacy and Accountability, or designee, will proceed to a formal Conduct hearing.

When an initial educational conference is held, the possible outcomes include:

1. A decision not to pursue the allegation based on a lack of or insufficient evidence. The matter is closed and records will indicate this outcome.
2. An administrative resolution to an uncontested allegation(s);
3. A decision to proceed with additional investigation and/or referral to the formal conduct hearing for resolution.

If a decision on the allegation is made and the finding is that the responding student is not responsible for any violation the code, the process will end.

Finding accepted; Sanction Accepted

If the college's finding is that the responding student is in violation, and responding student accepts this finding; the Associate Director of Student Advocacy and Accountability, or designee, conducting the initial educational conference will then determine the sanction(s), in consultation, if needed, with the Dean of Student Advocacy and Accountability and/or the Associate Vice President for Compliance and General Counsel, for the misconduct, which the responding student will have five (5) days to either accept or reject. If accepted, the student will receive written confirmation of the education conference resolution and the correspondence will become part of the student's disciplinary file.

Finding Accepted; Sanction Rejected

If the responding student accepts the findings, but rejects the sanction, the Dean of Student Advocacy and Accountability and/or the Student Affairs team will conduct a sanction-only hearing within five (5) business days and issue a final determination for the sanction. The responding student can appeal this decision (see Appeal Review Procedures).

Finding Rejected

If the Associate Director of Student Advocacy and Accountability, or designee, conducting the educational conference determines that it is more likely than not (preponderance of the evidence standard) that the responding student is in violation, and the responding student rejects that finding in whole or in part, Associate Director of Student Advocacy and Accountability, or designee, will initiate the formal Conduct Hearing process.

Formal Hearing Process

If the responding student contests the findings determined during the preliminary inquiry, additional investigation may occur and/or a hearing may be held when there is reasonable cause to believe that one or more violations of the student code of conduct may have occurred.

The Dean of Student Advocacy and Accountability will hear the matter, unless the student requests a hearing panel be appointed. The hearing panel will consist of three (3) members drawn from full-time employees in Student Affairs, Academic Affairs deans, and/or full-time faculty members, with the Dean of Student Advocacy and Accountability acting as the Panel Chair. No

person who is to be a witness at the hearing may be appointed to the hearing panel. Training on the Student Code of Conduct will be provided to all hearing panel members.

The Dean of Student Advocacy and Accountability will send the responding student in writing (using certified mail or secure electronic delivery system) notification of the complaint made against the student, with:

1. A detailed description of the conduct with which the student is charged;
2. State the Student Conduct Code rule or rules the student is alleged to have violated;
3. List the names of any witnesses who may appear at the hearing or whose written statement may be used in deciding;
4. Provide a summary of the evidence against the student,
5. Inform the student that a hearing will be scheduled, and that the student may bring witnesses to the hearing, or may bring written statements signed by the witnesses;
6. Inform the student that they may review in advance any documentary information which will be presented at the hearing, and when and where such information may be reviewed;
7. Inform the student they may have an attorney or other advisor attend the hearing to advise to advise the student, but not speak for the student.
8. Inform the student that should they fail to appear at the hearing, the hearing will proceed in the student's absence.
9. Provide the student a copy of this PM.
10. And the option to request a hearing panel be appointed, instead of a hearing with the Dean of Student Advocacy and Accountability.

The Dean of Student Advocacy and Accountability, or designee, will give the student at least five (5) college business days' notice of the time and place at which the hearing will be held. If the student cannot attend the hearing, it is that student's responsibility to notify the Dean of Student Advocacy and Accountability no less than two (2) business days prior to the scheduled hearing to arrange for another date, time, and location. No student may be found to have violated the Student Code of Conduct solely as a result of the student's failure to appear for a hearing. In all such instances, the hearing will proceed as scheduled and the information in support of the complaint will be presented and considered, prior to a determination.

However, once commenced, the hearing may be continued from day to day, or until another time, at the discretion of the chair.

Note: If the conduct charged against the student is conduct for which expulsion or dismissal may be authorized under Section 85-601 of the Nebraska Revised Statutes C, the Dean of Student Advocacy and Accountability will give the student notice of the time and place of the hearing and a formal written statement of the charges against the student by certified mail, sent to the student's current address as shown in the records of the college, at least ten (10) days before the date set for the hearing. The notice shall inform the student

that they are entitled to file a written response to the charges, to be present in person and by counsel at the hearing, and to testify and produce other witnesses on their behalf.

All Student Conduct Hearings will be conducted according to the following guidelines:

1. Conduct Hearings will be closed to the public.
2. At the outset of the hearing, or at any time during the hearing, the Dean of Student Advocacy and Accountability may fix a time limit within which the hearing shall be completed and inform all those present.
3. Technical rules of evidence will not apply. However, the Dean of Student Advocacy and Accountability/Hearing Panel Chair may exclude evidence or limit testimony which is not relevant to the matter in question, or which is merely repetitive.
4. The hearing will be recorded. A copy of the recording will be made available to the student on the student's request.
5. The student may have an attorney or other advisor attend the hearing. This individual may advise the student but may not speak for the student or examine or cross-examine witnesses.
6. The student may call witnesses on their own behalf. The student may personally question all witnesses, but not through legal counsel or others.
7. Written statements of witnesses may be used as evidence, but copies must be provided to, or made available for inspection by, the accused student before the conclusion of the hearing.
8. The Dean of Student Advocacy and/or the Hearing Panel's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code of Conduct. The outcome of a conduct hearing is part of the educational record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA) except as required by law.

A written decision will be sent by certified mail to the student and, if the original complaint involved a sexual assault or crime of violence, a copy will be sent by certified mail to the victim or alleged victim of the offense, at the conclusion of the hearing. The decision shall state the findings and the sanction(s) imposed (if any). The notice shall also inform the student of the process for appeal of the decision or sanction(s).

Notification of Outcome

The outcome of a college Conduct Hearing is part of the educational record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions.

1. As allowed by FERPA, when a student is accused of a policy violation that would constitute a "crime of violence" or forcible or nonforcible sex offense, MCC will notify the alleged victim/party bringing the complaint in writing of the final results of the hearing regardless of whether the college concludes that a violation was committed. Such release of information may only include the alleged student's/responding student's name, the violation committed, and the sanctions assigned (if applicable). In the case of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will

also be shared with all parties to the complaint in addition to the finding and the sanction(s).

2. In cases where MCC determines through the student conduct process that a student violated a policy that would constitute a “crime of violence”, the college may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include:
 - A. Arson
 - B. Aggravated Assault offenses (including stalking)
 - C. Burglary
 - D. Criminal Homicide – manslaughter by negligence
 - E. Criminal Homicide – murder and nonnegligent manslaughter
 - F. Destruction/damage/vandalism of property
 - G. Kidnapping/abduction
 - H. Robbery
 - I. Sex Offenses (Rape, Fondling, and Negligence)
 - J. Domestic Violence
 - K. Hate Crimes

Appeal to the Vice President for Student Affairs

If the student is dissatisfied with the decision, the student may appeal to the Vice President for Student Affairs. The appeal must be in writing and must be filed with the Vice President for Student Affairs not later than five (5) College business days after the date the decision is mailed to the student.

The following are the only permitted grounds for appeal:

1. The decision was contrary to the facts;
2. That there is newly discovered evidence which is material, but which could not have been discovered before the original hearing;
3. That the proper procedures were not followed. No procedural error shall invalidate the decision unless, in the judgment of the Vice President for Student Affairs, the error caused substantial prejudice to the student.
4. That the sanction imposed was inappropriate.

Postponement of any sanctions pending review by the Vice President for Student Affairs is at the discretion of the Vice President of Student Affairs.

Review by the Vice President of Student Affairs will be limited to a review of the documents submitted as evidence at the hearing and a review of the tape recording of the hearing. Opportunity for the student to personally discuss the matter with the Vice President of Student Affairs shall be at the discretion of the Vice President of Student Affairs.

The Vice President of Student Affairs shall send the decision on the appeal to the student by certified mail, but may in addition communicate with the student by phone or email.

The decision of the Vice President of Student Affairs shall be final.

Miscellaneous

Nothing in these procedures shall preclude an administrator of the college from engaging with a student in a mutually agreeable, negotiated settlement of a conduct issue. Such an agreement shall be in writing and placed in the student's College file.

The Vice President for Student Affairs reserves the right to appoint an alternate hearing officer to conduct a hearing for administrative or case-related reasons.

Withdrawal of the student from the college shall not suspend, terminate or otherwise affect the prerogative of the college to at any time initiate, resume or continue any disciplinary action or proceedings against a student for actions or events which occurred prior to the withdrawal.

Should a student be suspended, dismissed or expelled during a term in which they are registered, there will be no refund of tuition.

Any final decision in a disciplinary matter shall be included in the student's college file. Student Affairs Administrators shall be authorized to review the student's college file to determine the student's prior disciplinary history and may consider that history in determining appropriate sanction(s) for violations of the Student Conduct Code.

All conduct records are maintained by Dean of Student Advocacy and Accountability seven (7) years from the time of their creation except those that result in suspension, dismissal or expulsion, and those that fall under Title IX, which are maintained indefinitely.

Adopted 6/27/97; Revised 11/7/01; 12/19/05; 7/20/06 (title changes only); 5/29/08; 12/13/11; 12/21/11; 12/10/12 typo corrected; 2/4/21 (title changes only); 8/31/22

Student Conduct Process Flow Chart



