McLennan General Conduct Policy

The Board of Trustees of McLennan Community College ("MCC") the legally constituted authority for the governance of the college, hereby adopts the following general conduct policies for the purpose of maintaining order and otherwise promoting the general interest, welfare, and purposes of the college.

Article I: Definitions

A. The term "student" includes all persons taking courses at MCC, both full-time and part-time, pursuing credit and non-credit courses.

B. The term "faculty member" means any person hired by MCC to conduct classroom activities.

C. The term "MCC official" includes any person employed by MCC performing assigned administrative, professional, or staff responsibilities.

D. The term "member of the MCC community" includes any person who is a student, faculty member, staff member, or MCC official. A person's status in particular situations shall be determined by the President.

E. The term "MCC premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by MCC.

F. The term "organization" means any number of persons who have complied with the formal requirements for MCC recognition.

G. The term "Advising Specialist" means the MCC administrator authorized by the Vice President, Student Success to determine whether a student has violated the General Conduct Policy and to recommend imposition of sanctions.

H. The Term "Title IX Coordinator" means the MCC official responsible for monitoring the college’s implementation of Title IX, coordinating compliance, and investigating complaints of sex discrimination.

I. The term "MCC Board of Trustees" means the legally constituted authority for the governance and orderly operation of MCC Community College.

J. The term "shall" is used in the imperative sense.

K. The term "may" is used in the permissive sense.

L. The term "policy" is defined as the written regulations of MCC as found in, but not limited to, the Highlander Guide (MCC Student Handbook), and the MCC General Catalog.
Article II: Applicability

The policies herein set forth shall govern the conduct of all persons, including but not limited to, students, employees, visitors, and independent contractors, on the MCC campus or other property or facilities owned or used by the college (hereafter, “premises”) for any purpose, wherever situated, or while in attendance at or engaging in college-sponsored activities, wherever occurring.

Article III: Assemblies or Other Group Activities

Any assembly or other group activity to be held on college premises must be conducted in accordance with the principles and policies set forth herein.

Any assembly or group activity, other than the regularly scheduled meetings of recognized student organizations, initiated, arranged, or promoted by students of the college must be approved in writing by the Vice President, Student Success in advance of its occurrence. A request to hold such assembly or group activity must be submitted in writing at least two (2) weeks prior to the proposed date of occurrence. Such a request shall provide any reasonable information required by the college. Any such assembly or group activity which is part of the organized program of instruction of the college shall require advanced approval by the Vice President, Instruction. Any other assembly or group activity initiated, arranged, or promoted by an employee, group of employees, or person(s) not employed by the college, shall require advanced approval by the Vice President, Program Development.

Formal approval of any assembly or group activity does not relieve its organizers or participants of any responsibilities regarding general conduct stated herein.

Article IV: Visitors and Guests

Any person who is not a student or employee of the college, while on the premises of the college is considered a visitor, and shall conduct herself/himself in a manner consistent with the principles and policies stated herein. Violators are subject to removal from the premises and/or appropriate legal proceedings.

Visitors, including but not limited to the spouse or children of students, will generally not be admitted to classrooms or laboratories. Faculty members who desire an exception to this regulation should discuss the circumstances with the appropriate division chair. In any case, where the appropriate division chair has approved an exception, the faculty member may still, at any time, remove the visitor from a classroom in the interest of the learning environment.

Students or employees of the college who bring a visitor to the college may not leave the visitor unattended on campus if the visitor is a minor.

Article V: Rights and Responsibilities

A. General Statement
Students, employees, visitors and independent contractors are expected to obey the regulations of the college and to conduct themselves in a socially acceptable manner.

B. Responsibilities for Administration of Conduct for Employees, Visitors, and Independent Contractors

The President or her/his designee shall ensure enforcement of college conduct regulations.

C. Responsibilities for Administration of Student Conduct

1. The Vice President, Student Success, in conjunction with the Office of Student Development, shall be responsible for student conduct. The Vice President, Student Success shall be responsible for (1) the disposal and referral of individual cases as may properly come before him/her and (2) recommending the formulation and revision of policies and procedures relating to student conduct.

D. Rights and Responsibilities of Students, Employees, Visitors and Independent Contractors

1. These policies are based upon the principle that the college must safeguard, on college premises and in college affairs, the basic freedoms guaranteed by the Constitution of the United States of America. Equally important is the principle that the exercise of these freedoms requires respect for the rights and freedoms of others. Interference with the lawful and orderly use or enjoyment of college premises, facilities, and programs will not be permitted.

2. Students, Employees, Visitors, and Independent Contractors have the following responsibilities:

   a. To be familiar with published regulations and comply with them.

   b. To act according to standards of common decency and socially acceptable behavior.

   c. To respect the rights and property of others.

Article VI: Proscribed Conduct

A. General Policy

Freedom of discussion, inquiry, and expression is fostered by an environment in which the privileges of citizenship are protected, and the obligations of citizenship are understood. Accordingly, the MCC community has developed standards of behavior pertaining to students and/or student organizations. Students and student organizations are subject to disciplinary action according to the provisions of the General Conduct Policy or the Highlander Guide. Student conduct on or off college premises is subject to college conduct jurisdiction. MCC may enforce its own conduct policies and procedures when a student’s conduct directly, seriously, or adversely impairs, interferes with, or disrupts the overall mission, programs, or other functions of the college. College conduct proceedings may be instituted against a student alleged to have violated the General Conduct Policy or the Highlander Guide. Proceedings under the General Conduct Policy may be carried out prior to, independent of, concurrent with or following civil or criminal proceedings. The proceedings are conducted in a manner which ensures that substantial justice is done and is not restricted by the rules of evidence governing criminal
and civil proceedings. The standard of proof used in college conduct proceedings is the preponderance of evidence. The Office of the Vice President, Student Success, in conjunction with Student Development, respects the rights and responsibilities of students and shall consider each violation of college policy and each violation of federal, state, and/or local law on a “case-by-case” basis and shall further attempt to initially use educational options and subsequent intervention and/or prevention options to assist students.

B. Misconduct

Any student(s) found to have committed the following misconduct while defined as a student is subject to disciplinary sanction(s), condition(s), and/or restriction(s). Misconduct includes, but is not limited to:

1. Alcoholic Beverages*
   a. Use, possession, sale, delivery, manufacture, or distribution of alcoholic beverages, except as expressly permitted by college policy and federal, state, and/or local law.
   b. Being under the influence of alcohol and/or intoxication as defined by federal, state, and/or local law.
   c. Persons in violation of the College’s alcohol policies will also face criminal sanctions provided by federal, state, and local law when applicable.

*Upon approval by the President, alcoholic beverages may be served at the Bosque River Stage, Conference Center, Northwood House, McLennan House and Gardens, Highlander Ranch, and other designated areas, and subject to all federal, state and local law and regulations regarding possession, use and sale of alcoholic beverages. This policy does not apply to leased facilities.

2. Narcotics or Drugs
   a. Use, possession, sale, delivery, manufacture, or distribution of any narcotic, drug, medicine prescribed to someone else, chemical compound, or other controlled substance, except as expressly permitted by federal, state, and/or local law.
   b. Possession of drug-related paraphernalia, except as expressly permitted by federal, state, and/or local law.
   c. Being under the influence of narcotics, drugs, medicine prescribed to someone else, chemical compound, or other controlled substance, except as expressly permitted by federal, state, and/or local law.
   d. Persons in violation of the College’s narcotics and other drugs policy will also face criminal sanctions provided by federal, state, and local law when applicable.

3. Academic Dishonesty

“Academic dishonesty” includes, but is not limited to: cheating, plagiarism, collusion, falsifying
academic records, misrepresenting facts, and any act designed to give an unfair academic advantage to the student.

a. “Cheating” includes, but is not limited to:

1. Copying from another student’s test paper or devices.

2. Using unauthorized materials or devices during a test or other assignment.

3. Failing to comply with instructions given by the person administering the test.

4. Possessing materials during a test that are not authorized by the person administering the test, such as class notes, textbooks, or other unauthorized aids.

5. Possessing, using, buying, stealing, transporting, selling, or soliciting in whole or in part items including, but not limited to: the contents of an un-administered test, test key, homework solution, or computer program/software. Possession, at any time, of current or previous test materials without the instructor’s permission.

6. Collaborating with, seeking aid, or receiving assistance from another student or individual during a test or in conjunction with other assignments without the instructor’s permission.

7. Discussing the contents of an examination with another student who has taken or will take an examination without the instructor’s permission.

8. Substituting for another person, or permitting another person to substitute for oneself in order to take a course, a test, or complete any course-related assignment, including but not limited to, signing in/registering attendance for another student without the instructor’s permission.

9. Paying or offering to pay money, other valuables, obtaining by any means, or coercing another person to obtain items including, but not limited to: an un-administered test, test key, homework solution, or computer program/software; or information about an un-administered test, test key, homework solution or computer program/software.

10. Falsifying research data, laboratory reports, and/or other academic work offered for credit.

11. Taking, keeping, misplacing, damaging, or altering the property of the College, or of another, if the student knows or reasonably should know that an unfair academic advantage would be gained by such conduct.

b. “Plagiarism” includes, but is not limited to: The appropriation of, buying, receiving as a gift, or obtaining by any means, material that is attributable, in whole or in part, to another source, including words, ideas, illustrations, structure, computer code, other expression and media, and presenting that material as one’s own academic work being offered for credit. The
advertisement and/or promotion of services or materials intended for the purposes of plagiarism using on or off campus forums.

c. “Collusion” includes, but is not limited to:

1. The unauthorized collaboration with another person in preparing academic assignments offered for credit.

2. Collaboration with another person to commit a violation of any section of the rules on academic dishonesty.

d. “Falsifying academic records” includes, but is not limited to:

1. Altering or assisting in the alteration of any official college record and/or submitting false information.

2. Omitting requested information that is required for, or related to, any academic record of the College. Academic records include, but are not limited to: applications for admission, the awarding of a degree, grade reports, test papers, registration materials, grade change forms, and reporting forms used by the Office of Student Records. A former student who engages in such conduct is subject to a bar against readmission, revocation of a degree or certificate, and revocation of a diploma.

3. Students found to have falsified information and/or documentation leading to their admission to the college may have their admission status revoked immediately and without due process.

e. “Misrepresenting facts” to the College or an agent of the college includes, but is not limited to:

1. Providing false grades, resumes, or other academic information.

2. Providing false or misleading information in an effort to receive a postponement or an extension on a test, quiz, or other assignment to obtain an academic or financial benefit for oneself or another individual.

3. Providing false or misleading information in an effort to injure another student academically or financially.

NOTE: See Academic Integrity information at http://www.mclennan.edu/academic-integrity/

4. Firearms, Weapons, and Explosives

Use or possession of any items used as weapons, including, but not limited to: handguns, firearms, ammunition, fireworks, pellet guns, paintball guns, BB guns, knives, or explosive or noxious materials on college premises except as expressly permitted by federal, state, and/or local law.
5. Flammable Materials/Arson

   a. Use or possession of flammable materials, including but not limited to: incendiary devices or other dangerous materials, or substances used to ignite, spread, or intensify flames for fire, except as expressly permitted by MCC officials.

   b. Attempting to ignite and/or igniting MCC and/or personal property on fire either by intent or through reckless behavior which results, or could predictably result, in personal injury or property damage of MCC premises.

6. Theft, Damage, or Unauthorized Use

   a. Attempted or actual theft of property or services of the College, other college students, other members of the college community, or campus visitors.

   b. Possession of property known to be stolen or belonging to another person without the owner’s permission.

   c. Attempted or actual damage to property owned or leased by the College, by other college students, other members of the college community, or campus visitors.

   d. Attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, test number, WebAdvisor account information, personal check, or other unauthorized use of personal property or another’s information.

   e. Alteration, forgery, or misrepresentation of any form of identification.

   f. Possession or use of any form of false identification.

7. Actions Against Members of the College Community and Others

   a. Conduct, intentional or reckless, which threatens or endangers the health or safety of oneself or others, including, but not limited to acts such as physical assault, physical abuse, verbal abuse, threats, intimidation, harassment, and/or coercion.

   b. Conduct, intentional or reckless, which detracts from another’s ability to realize the intended benefits of the College’s resources and opportunities.

   c. Substantial disruption of MCC operations including obstruction of teaching, research, administration, other college activities, and/or other authorized non-MCC activities.

   d. Sexual misconduct so severe, persistent, or pervasive that it adversely affects the complainant’s education; or creates an intimidating, hostile, abusive, or offensive educational environment; or interferes with another’s ability to realize the intended benefits of the college’s resources and opportunities. Sexual misconduct is nonconsensual conduct of a sexual nature including, but not limited to:
1. Deliberate touching of another’s body without consent.

2. Deliberate sexual invasion of another without consent.

3. Deliberate constraint or incapacitation of another, without that person’s knowledge or consent, so as to put another at substantially increased risk of sexual injury.

4. Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that are unwelcome and expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile, or demeaning environment for an individual’s academic pursuits, college employment, participation in activities sponsored by the College or organizations, or groups related to the College or opportunities to benefit from other aspects of college life.

   e. Excessive pressure, threats, or any form of conduct that uses coercive tactics or unwanted mental coercion techniques.

   f. Stalking, or continuous unwanted conduct directed at a specific person that would cause a reasonable person to feel fear.

8. Gambling, Wagering, Gaming, and Bookmaking Gambling, wagering, gaming and/or bookmaking as defined by federal, state, and/or local laws are prohibited on MCC premises or by using college equipment or services.

9. Hazing

Hazing is any intentional, knowing, or reckless act, directed against a student by one person acting alone, or by more than one person, occurring on or off college premises that endangers the mental or physical health or safety of a student for the purpose of pledging, associating with, being initiated into, affiliating with, holding office in, seeking and/or maintaining membership in any organization whose membership consists of students. Consent and/or acquiescence by a student or students subjected to hazing is not a reasonable defense in a disciplinary proceeding. Hazing includes, but is not limited to:

   a. Any type of physical brutality, such as whipping, beating, use of a harmful substance on the body or similar activity.

   b. Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student.

   c. Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects a student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of a student.

   d. Any activity that intimidates or threatens a student with ostracism; that subjects a student to
extreme mental stress, shame or humiliation; adversely affects the mental health or dignity of a student; or discourages a student from entering or remaining enrolled at the College, or may reasonably be expected to cause a student to leave the organization or the college rather than submit to the acts described above.

e. Any activity in which a person engages in hazing; solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; intentionally, knowingly, or recklessly permits hazing to occur or has firsthand knowledge of the planning of a specific hazing incident which has occurred and knowingly fails to report the incident in writing to Student Development.

f. Any activity in which hazing is either condoned or encouraged, or any action by an officer or combination of members, pledges, associates, or alumni of the organization committing or assisting in the commission of hazing.

NOTE: See Texas Education Code, Sections 37.151-37.155 and Section 51.936 at http://www.statutes.legis.state.tx.us/?link=ED.

10. False Alarms or Terroristic Threats

Intentional sounding of a false fire alarm, falsely reporting an emergency or terrorist threat in any form, issuing a bomb threat, constructing mock explosive devices, destruction or activation of fire sprinklers, filing false police reports, improperly possessing, tampering with or destroying fire equipment or emergency signs on college premises.

11. Financial Irresponsibility

Failure to meet financial obligations owed to the College, or components owned or operated by the college, including, but not limited to the writing of checks from accounts with insufficient funds.

12. Unauthorized Entry, Possession, or Use

a. Unauthorized entry into or use of college premises or equipment including another student’s room.

b. Unauthorized possession, use, duplication, production, or manufacture of any key or unlocking device, college identification card or access code for use in college premises or equipment.

c. Unauthorized use of the MCC name, logo, registered marks or symbols; however, registered student organizations are permitted to use the word “MCC” as a part of their organizational names and to use the complete statement “a registered student organization at McLennan Community College.”

d. Unauthorized use of the college name to advertise or promote events or activities in a manner that suggests sponsorship and/or recognition by the College.
13. Failure to Comply

   a. Failure to comply with reasonable directives and/or requests of an MCC official acting in the performance of her/his duties.

   b. Failure to present student identification on request or identify oneself to any MCC official acting in the performance of her/his duties.

14. Providing False Information or Misuse of Records

Knowingly furnishing false information to MCC, to an MCC official in the performance of her/his duties, or to an affiliate of MCC, either verbally or through forgery, alteration, or misuse of any document, record, or instrument of identification.

15. Abuse, Misuse or Theft of College Information Resources

Unauthorized use of MCC information resources is prohibited, and may be subject to criminal prosecution in addition to disciplinary sanctions, conditions and/or restrictions pursuant to the General Conduct Policy. “Information resources” means procedures, equipment and software, regardless of location, that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit college information, and associated personnel, including consultants and contractors, regardless of whether the personnel are employed by the college or retained as independent contractors. Usage of MCC information resources may be subject to security testing and monitoring, and users have no expectation of privacy except as otherwise provided by applicable privacy laws.

Abuse, misuse, or theft of college information resources includes, but is not limited to the following:

   a. Unauthorized use of MCC information resources including, but not limited to: private information and passwords, the unauthorized sharing of private information or passwords with individuals who otherwise have no authority to access MCC information resources.

   b. Use of MCC information resources for unauthorized or nonacademic purposes including, but not limited to: illegal access, attempted or actual unauthorized accessing, copying, transporting or installing programs, records, data, or software belonging to the college, another user, or another entity, and/or illegal activity (e.g., sharing copyrighted materials or media).

   c. Purposely engaging in activity that may harass, intimidate, threaten, endanger, or abuse others, or acts in a manner that impedes, interferes with, or disrupts any MCC authorized activity including but not limiting to: furnishing false information and/or withholding information, misuse of authority by virtue of one’s leadership position, or falsely identifying oneself as a representative of MCC on social networking sites or other public forums.

   d. Attempted or actual breach of the security of another user’s account and/or computing system, depriving another user of access to college computing and/or networking resources,
compromising the privacy of another user or disrupting the intended use of computing or network resources.

e. Attempted or actual use of MCC’s computing and/or networking resources for personal, political, or commercial purposes.

f. Access, creation, storage, or transmission of material deemed offensive, indecent, or obscene (as defined by Chapter 43 of the State of Texas Penal Code on Public Indecency). Exceptions may be made for academic research where the aspect of the research has been explicitly approved by the MCC official processes for dealing with academic ethical issues. Discovery of explicit material, including pornography, on any college-owned information resource or networks must be reported to the Campus Police immediately.

g. Attempted or actual destruction, disruption, or modification of programs, records or data belonging to or subscribed to by the college or another user or destruction of the integrity of computer based information.

h. Attempted or actual use of computing and/or networking facilities that interferes with the normal operation of MCC’s computing and/or networking systems; or through such actions, causing a waste of such resources (e.g., people, capacity, computer).

i. Intentional “spamming” of students, faculty, or staff (defined as the sending of unsolicited and unwanted emails to parties with whom one has no existing business, professional, or personal acquaintance).

j. Use of computing and/or network resources to engage in an activity that may harass, threaten, or abuse others.

k. Allowing another person, either through one’s personal computer account, or by other means, to accomplish any of the above. Users who share their access with another individual shall be responsible and held liable for all usage of their account.

l. Per Texas Government Code, MCC information resources are strategic assets of the State of Texas that must be managed as valuable state resources. As such, use of MCC information resources is subject to college operating policies and other applicable laws. Unauthorized use is prohibited, usage may be subject to security testing and monitoring, misuse is subject to criminal prosecution, and users have no expectation of privacy except as otherwise provided by applicable privacy laws.

m. Engaging in acts that contravene the mission and goals of the college or acts that expose the College to liability.

16. Skateboards, Rollerblades, Scooters, Bicycles or Similar Devices

Use of skateboards, rollerblades, scooters, bicycles, or other similar devices in the college’s buildings
or on college premises in such a manner as to constitute a safety hazard or cause damage to the college or personal property.

17. Tobacco

Use of tobacco products in all buildings, within 30 feet of all building entrances and in all college owned vehicles as detailed in the college’s Tobacco Products Policy (E-XXIII). The term “tobacco products” includes all ignition based forms of tobacco, smokeless tobacco, electronic vapor devices, or any other practice that mimics the usage of tobacco products.

18. Violation of Published College Policies, Rules or Regulations

Violation of any published college policies, rules or regulations that govern students, student organizations, employees, visitors, and contractors.

19. Violation of Federal, State and/or Local Law

Misconduct which constitutes a violation of any provisions of federal, state and/or local laws.

20. Abuse of the Discipline System

a. Failure of a student to respond to a notification to appear before the Advising Specialist during any stage of a disciplinary proceeding. Failure to comply with or respond to a notice issued as part of a disciplinary procedure and/or failure to appear will not prevent the Advising Specialist from proceeding with disciplinary action.

b. Falsification, distortion, or misrepresentation of information in disciplinary proceedings.

c. Disruption or interference with the orderly conduct of a disciplinary proceeding.

d. Filing an allegation known to be without merit or cause.

e. Discouraging or attempting to discourage an individual’s proper participation in or use of the disciplinary system.

f. Influencing or attempting to influence the impartiality of a member of a disciplinary committee prior to and/or during a disciplinary proceeding.

g. Harm, threat of harm, or verbal, physical or written intimidation, of any person prior to, during and/or after disciplinary proceedings.

h. Influencing or attempting to influence another person to commit an abuse of the discipline system.

i. Retaliation against any person or group who files grievances or provides evidence, testimony, or allegations in accordance with the General Conduct Policy or the Highlander Guide.

j. Failure to comply with the sanction(s), condition(s), and/or restriction(s) imposed under the
General Conduct Policy or the Highlander Guide by the Advising Specialist.

Article VII: Conduct Policies and Procedures

A. Disciplinary Procedures*

The following process is to be used in the event of an allegation involving a student violating the campus’ General Conduct Policy. To file an alleged General Conduct Policy violation, individuals may complete an incident report form, which can be found at the following website: [http://www.McLennan.edu/reportit](http://www.McLennan.edu/reportit). Individuals may also file a report in person in Student Development, located on the second floor of the Student Services Center. The written allegation should describe the action or behavior in question.

The Advising Specialist who coordinates student conduct will review the report. The Advising Specialist also receives reports from the MCC Police Department. The written allegation should be delivered to the Advising Specialist as soon as possible in order to initiate effective conduct procedures.

*NOTE: In cases involving allegations of sexual harassment and or sexual misconduct, certain modifications to the conduct process shall be made. Please see Article VII-A-4.

1. General Procedure

The Advising Specialist will inquire, gather, and review information about the reported student misconduct and will evaluate the accuracy, credibility, and sufficiency of this information. If it is determined that the information does not warrant an allegation, a policy warning letter may be issued to clarify the policy that was in question.

If the allegation is found to be substantive, the Advising Specialist will proceed ensuring that the requirements of due process are fulfilled in accordance with the following procedures:

a. When a written allegation is filed, the student named in the allegation will be notified in writing and asked to appear before the Advising Specialist. The letter will be in accordance with the written notification policy found in Article VII, Section E. Through this written notification, the Advising Specialist will assign a specified date and time (outside the student’s academic schedule) for a pre- hearing meeting in order to advise the student of the allegation(s) and to review the student’s rights and responsibilities in conduct proceedings, unless another date and time is requested by the student.

Failure of a student to receive notice does not prevent a conduct proceeding from being carried out.

b. During the pre-hearing meeting, the Advising Specialist will discuss the student’s rights and responsibilities, including the right:

1. To receive notification of the alleged violation(s).
2. To know the source of the allegation(s).

3. To know the specific alleged violation(s).

4. To know the sanctions, conditions and/or restrictions that may be imposed because of the alleged violation(s).

5. To be accompanied by an advisor at any student conduct proceeding (for advisory purposes only, not for representation).

NOTE: Advisors. All students involved in student conduct proceedings may be assisted by advisors they choose, at their own expense. The advisor must be a member of the college community or family member. However, if a student accused of alleged misconduct is also the subject of a pending criminal investigation, indictment, or charge arising out of the same circumstances, he or she may be allowed to have an attorney serve as his or her advisor, at his or her own expense, to participate in the same manner as any other advisor. The complainant and/or the student accused of alleged misconduct is responsible for presenting his or her own information; and therefore, advisors are not permitted to speak or to participate directly in any hearing unless authorized by the Advising Specialist. Students should select an advisor whose schedule allows attendance at the scheduled date and time for the hearing, as delays will not be allowed due to the scheduling conflicts of an advisor, except at the discretion of the Advising Specialist upon written request five (5) college working days in advance of the scheduled hearing date. In the event that a student chooses an attorney for their advisor, MCC reserves the right to have its own attorney present.

6. To have the opportunity to respond to the allegation(s) and/or present information.

7. To refrain from making any statement relevant to the allegation(s).

8. To know that any statements made by the student can be used during the proceeding.

c. After proper notice has been given to the student, the college may proceed to conduct an official conduct hearing and deliver a decision or recommendation respectively. The conduct hearing may be held and a decision or recommendation made, regardless of whether the student responds, fails to respond, attends the hearing or fails to attend the hearing. Should an absence of the student occur, the Advising Specialist or Conduct Hearing Committee may consider the information and render an administrative decision.

2. Case Adjudication Options

   a. Administrative Hearing

      i. The Administrative Hearing process will be completed in a timely manner based upon the specific circumstances of each case. The Administrative Hearing is to be conducted by the Advising Specialist or another designee of the Vice President, Student Success.
ii. The purpose of the administrative hearing is to ascertain whether the alleged behaviors occurred. During this time, the Advising Specialist will share information he/she has received about the incident. Furthermore, the student is allowed to present information relevant to the case in an attempt to explain their perspective. In addition, the Advising Specialist may ask questions regarding the case and enter into an exploratory dialogue with the student. A student may admit complete or partial responsibility for the alleged behavior. In addition, the student may decline to provide any information, effectively not participating in the Administrative Hearing, leaving the decision to the discretion of the Advising Specialist.

iii. If the Advising Specialist recommends that the student is responsible for the alleged violation(s), the Associate Director for Student Development will be notified in writing of the recommendation by the Advising Specialist including all recommended sanction(s), condition(s) and/or restriction(s). The Associate Director for Student Development will review the recommendation and, if deemed appropriate, amend the sanction(s), condition(s) and/or restriction(s), if any, to be imposed.

iv. After the final determination is made, the Advising Specialist will deliver written notification to the student of the decision and the sanction(s), condition(s), and/or restriction(s) to be imposed, if any. Notice is deemed to have been properly provided when written notification is sent via MCC student email no less than seven (7) college working days following the decision.

v. The student may utilize the disciplinary appeal procedure outlined in Article VII, Section C of the General Conduct Policy.

vi. In addition to other possible sanction(s), condition(s) and/or restriction(s), and in the event that a student fails to respond to written notification, a disciplinary hold may be placed on the student’s records to prevent further registration and transcript receipt. The disciplinary hold will remain until such time as the Advising Specialist receives an appropriate response.

vii. All records concerning a student or student organization related to the disciplinary process will remain on file in Student Development for a minimum of seven (7) years from the date the case is completed through an Administrative Hearing and/or disciplinary appeal procedures. Records pertaining to registered student organizations will remain on file indefinitely.

b. Conduct Hearing Committee

At the discretion of the Vice President, Student Success or his appointees, the adjudication of the case may be conducted by a Conduct Hearing Committee as an alternative to the Advising Specialist acting alone. The committee is to be assembled by the Vice President, Student Success and take the availability of school officials into account in order to operate within a timely manner. The committee is to number no less than five and no more than ten and contain
students, faculty, and staff.

i. The Advising Specialist shall train committee members prior to the hearing.

ii. The Advising Specialist shall conduct the pre-hearing meetings with the accused student during which the student will be informed of the College’s decision to use the committee hearing option and the process entailed. In cases involving allegations of sexual misconduct, the same opportunity will be afforded to the complainant.

iii. At this time, the student(s) will have to opportunity to give the names of witnesses he/she feels are relevant to the case so that they may be scheduled to appear before the Conduct Hearing Committee. In addition, the students will be provided with an opportunity to view the members of the Conduct Hearing Committee and provide reasons for the exclusion of certain members that the Vice President, Student Success may consider. In a case involving allegations of sexual misconduct, the complainant may exercise their right to exclude student committee members for reasons of confidentiality.

iv. The Advising Specialist will serve as the chair of the committee and is responsible for the scheduling and administration of the Conduct Hearing Committee.

v. The purpose of the Conduct Hearing Committee is to ascertain whether the alleged behaviors occurred. During this time, the student is allowed to present information relevant to the case in an attempt to explain their perspective. In addition, the Conduct Hearing Committee may ask questions regarding the case and enter into an exploratory dialogue with the student and potential witnesses. A student may admit complete or partial responsibility for the alleged behavior. In addition, the student may decline to provide any information, effectively not participating in the conduct hearing, leaving the decision to the discretion of the committee.

vi. Following the hearing, the Conduct Hearing Committee will deliberate and will render a decision in regard to the alleged misconduct as well as decide any sanctions, conditions and/or restrictions if applicable. Deliberation of the case will be done in private session.

vii. If the Conduct Hearing Committee recommends that the student is responsible for the alleged violation(s), the Associate Director for Student Development will be notified in writing of the recommendation by the Advising Specialist including all recommended sanction(s), condition(s) and/or restriction(s). The Associate Director for Student Development will review the recommendation and, if deemed appropriate, amend the sanction(s), condition(s) and/or restriction(s), if any, to be imposed.

viii. After the final determination is made, the Advising Specialist, acting as chair of the committee, will deliver written notification to the student of the decision and the sanction(s), condition(s), and/or restriction(s) to be imposed, if any. All committee decisions are to be reached via majority vote. Notice is deemed to have been properly provided when
written notification is sent via MCC student email no less than seven (7) college working days following the decision.

ix. The student may utilize the disciplinary appeal procedure outlined in Article VII, Section C of the General Conduct Policy. At the discretion of the Director, Student Development, in the event that an appeal is granted to a student, a new Conduct Hearing Committee may be assembled for the purpose of the appeal according to the guidelines outlined Article VII Section A-2-b above.

x. In addition to other possible sanction(s), condition(s) and/or restriction(s), and in the event that a student fails to respond to written notification, a disciplinary hold may be placed on the student’s records to prevent further registration and transcript receipt. The disciplinary hold will remain until such time as the Advising Specialist receives an appropriate response.

xi. All records concerning a student or student organization related to the disciplinary process will remain on file in Student Development for a minimum of seven (7) years from the date the case is completed through a conduct hearing and/or disciplinary appeal procedures. Records pertaining to registered student organizations will remain on file indefinitely.

3. Immediate Temporary Suspension

A student may be temporarily suspended pending completion of disciplinary procedures if, in the judgment of the Vice President, Student Success, or on recommendation of the Director of Student Development, the Associate Director of Student Development, or the Advising Specialist, the physical or emotional well-being of a student, other students, or members of the college community could be endangered; or if the presence of the student would seriously disrupt the normal operations of the college. The Vice President, Student Success or designee will notify the Advising Specialist to initiate appropriate disciplinary procedures within five (5) college working days from the date of immediate temporary suspension. During the invocation of immediate temporary suspension, the student may no longer attend classes, use MCC services and/or resources, and may not be on campus until the disciplinary proceedings have been resolved. Any instances whereby the student should need to return to campus must be coordinated through the Advising Specialist and the MCC Police Department.

4. Cases Involving Allegations of Sexual Misconduct

In support of Title IX and the Campus Sexual Violence Elimination (SaVE) Act, allegations involving sexual misconduct shall be handled with the following modifications to the standard conduct procedure. The term “sexual misconduct” refers to offences of a sexual nature including but not limited to those violations specified in Article VI-B-7.

a. Upon receipt of any report involving sexual misconduct, the receiving party shall notify the
campus Title IX coordinator at their earliest possible convenience. Throughout the entire conduct process, the Title IX coordinator must be kept abreast of all decisions and developments. In addition, before rendering a decision, the Advising Specialist must present notification, in writing, to both the Title IX coordinator and the Vice President, Student Success for approval and/or revision.

b. Both the complainant and the respondent shall each have an informational meeting with the Vice President, Student Success or his/her designee where the rights and protections afforded to them by Title IX, the SaVE act, and MCC are presented to them.

c. Following referral to the Title IX coordinator, and the informational meeting with the Vice President, Student Success, a standard conduct process shall be conducted by the Advising Specialist in accordance with Article VII above.

d. Both the complainant and the respondent must be simultaneously informed, in writing, of the outcome of any institutional disciplinary proceeding, procedures for an appeal, any change to the results, and when such results become final.

e. Both parties have the right to appeal the outcome of the student conduct process according to the appeal procedures outlined in Article VII-C.

B. Disciplinary Sanctions, Conditions and/or Restrictions

The Advising Specialist, or the Conduct Hearing Committee in applicable cases, may impose sanction(s), condition(s) and/or restriction(s) as a result of an Administrative Hearing. Through the Administrative Hearing, sanctions, conditions and/or restrictions may be assessed when a student is found responsible for misconduct; potential sanctions, conditions and/or restrictions are not limited to those listed below in Article VII Section B, 1-4; items below serve to demonstrate typical student outcomes. Implementation of the disciplinary sanction(s), condition(s) and/or restriction(s) will not begin until either the time for a disciplinary appeal has expired or until the disciplinary appeal process is exhausted. Exceptions are made only in cases for which, in the judgment of the Vice President, Student Success, the physical or emotional well-being of the student, other students or other members of the college community may be endangered. In the case of a student organization, a copy of the notification may be sent to the organization’s advisor(s) and international or national organization headquarters.

1. Sanctions are defined as the primary outcome of the alleged violation. If found responsible, the range of sanctions include the following outcomes:

   a. Disciplinary Reprimand: The disciplinary reprimand is an official written notification, using the notification procedure outlined in Article VII Section E., to the student that the action in question was misconduct.

   b. Disciplinary Probation: Disciplinary probation is a period of time during which a student’s conduct will be observed and reviewed. The student must demonstrate the ability to comply with college policies, rules, and/or standards and any other requirement stipulated for the
probationary period. Further instances of misconduct under the General Conduct Policy or the Highlander Guide during this period may result in additional sanctions, conditions and/or restrictions.

c. Deferred Disciplinary Suspension: Deferred disciplinary suspension is a period of time where a disciplinary suspension may be deferred for a period of observation and review, but in no case will the deferred suspension be less than the remainder of the semester. Further instances of misconduct under the General Conduct Policy or the Highlander Guide during this period may result in additional sanctions, conditions and/or restrictions.

d. Time-Limited Disciplinary Suspension: Time-limited disciplinary suspension is a specific period of time in which a student may not participate in class or college-related activities. Notification of disciplinary suspension will indicate the date suspension begins and the earliest date the application for student readmission will be considered. A registration hold will be placed on the student’s account in order to prevent returning to classes during this period. The Director of Student Development may deny a student’s readmission, if the student’s misconduct during the suspension would have warranted additional disciplinary action. If the student has failed to satisfy any sanctions, conditions and/or restrictions that have been imposed prior to application for readmission, the Director of Student Development may deny readmission to a student. On denial of a student’s readmission, the Director of Student Development will set a date when another application for readmission may again be made. A student may appeal denial of readmission or reregistration in accordance with the disciplinary appeal process. (See Article VII, Section D. of the General Conduct Policy)

NOTE: Student organizations may also be subject to suspension of their organization’s registration. Time-limited disciplinary suspension is a specific period of time in which a student organization’s registration and privileges of the organization are suspended. Upon written request by the registered student organization’s representative to the Director of Student Development, the notation of disciplinary suspension may be removed from the registration record of the student organization upon completion of the disciplinary suspension period. Notification of disciplinary suspension of an organization will indicate when the suspension begins and the earliest date the application for re-registration will be considered. The Director of Student Development may deny an organization’s request for re-registration if the organization’s misconduct during a period of suspension would have warranted additional disciplinary action. If the organization has failed to satisfy any sanction(s), condition(s), and/or restriction(s) that have been imposed prior to application for re-registration, the Director of Student Development may deny re-registration to the organization. On denial of an organization’s application for re-registration, the Director of Student Development may set a date when another application for re-registration may be made. An organization may appeal denial of re-registration in accordance with the disciplinary appeal process (See Article VII, Section C).

e. Disciplinary Expulsion: Disciplinary expulsion occurs when the student is permanently
withdrawn and separated from MCC. The status of expulsion will be permanently shown on the student’s academic record, including the transcript and/or student organization’s registration. An administrative hold will be placed on the student’s record by the Advising Specialist to prevent future registration.

2. A condition is defined as a secondary component of a disciplinary sanction. A condition is usually an educational or personal element assigned in conjunction with sanctions. Examples of conditions include, but are not limited to:

   a. Personal and/or academic counseling.

   b. Discretionary educational conditions and/or programs of educational service to the College and/or community.

   c. Restitution or compensation for loss, damage, or injury that may take the form of appropriate service and/or monetary or material replacement.

   d. Monetary assessment owed to MCC.

   e. Completion of an alcohol or drug education program.

3. A restriction is defined as a secondary component of a disciplinary sanction. A restriction usually occurs in conjunction with sanctions and will usually be time specific. Some examples of restrictions include, but are not limited to:

   a. Revocation of parking privileges.

   b. Denial of eligibility for holding office in registered student organizations.

   c. Denial of participation in extracurricular activities. d. Prohibited access to MCC facilities and/or prohibited direct or indirect contact with members of the college community.

   e. Loss of privileges on a temporary or permanent basis. f. Withdrawal of college funding (Student Government Association, departmental, Student Services Fees, etc.)

4. Violations involving the use of alcohol, narcotics or other drugs may result in notification of the parents/guardians of dependent students under the age of 21.

C. Disciplinary Appeal Procedures

1. Any student who has been found responsible for violating the General Conduct Policy may request an appeal of the disciplinary decision made by the Advising Specialist or the Conduct Hearing Committee. Students may also request an appeal of a decision denying readmission to the College (see Article VII, Section D.) or reregistration of a student organization. Failure to file a written request for an appeal within seven (7) college working days from the date of the decision letter will render the original decision final.
2. Grounds for Appeal

a. Appeals must be based on:
   1. Procedural error, which fundamentally affected the decision.
   2. Substantive error, i.e., the sanction(s) is not consistent with the gravity of the misconduct.
   3. Newly discovered, relevant information not available at the hearing and sufficient to change the decision.

b. The specific questions to be addressed on appeal are:
   1. Were General Conduct procedures followed?
   2. If a procedural error was committed, were the rights of the student or student organization materially violated so as to effectively deny a fair hearing?
   3. Was the hearing conducted in a manner that permitted the student or student organization’s student representative adequate notice and the opportunity to present information?
   4. Would the newly discovered information presented at the hearing be sufficient to change the decision?

3. Notification of Appeal

Appeals must be made in writing and in sufficient detail within seven (7) college working days from date of the decision letter to inform the Director of Student Development of the grounds for appeal. The appeal is not intended to afford a rehearing of the case. This process serves to review the written content and validity of the appeal submitted by the student, the record of the case, decision-making procedures, and consideration of newly discovered information, if any.

4. Appeal Hearing Procedures

The Director of Student Development will review materials relevant to the case in the written appeal and may choose to do one or more of the following:
   a. Find that the written appeal submitted is not sufficient to establish grounds for appeal, and affirm the decision.
   b. Find that no substantive and/or procedural error has occurred, and affirm the decision.
   c. Refer the matter for a new hearing for which a new hearing officer may be appointed.
   d. Amend the decision.

5. Appeal Decision
After reviewing the appeal, the Director for Student Development will determine the disciplinary decision and provide the student written notification of the decision, using the written notification procedure as outlined in Article VII, Section E., within seven (7) college working days.

6. Final Appeal

Following the decision made by the Director of Student Development, a student may request a second appeal with the Vice President, Student Success. Appeals must be made in writing and in sufficient detail within seven (7) college working days from the date of the Director of Student Development’s decision letter to inform the Vice President, Student Success of the grounds for appeal. The appeal is not intended to afford a rehearing of the case. This process serves to review the written content and validity of the appeal submitted by the student, the record of the case, decision-making procedures, and consideration of newly discovered information, if any. The appeal will follow the same guidelines outlined in section Article VII, Section C. above. The decision of the Vice President, Student Success shall remain final.

D. Readmission Procedures and Appeals

1. A student who has had a disciplinary hold placed on her/his records under this section must request readmission from the Advising Specialist at least three (3) weeks prior to any MCC Office of Admissions application deadlines for the semester or summer session in which the student wishes to re-enroll. The student may be required by the Advising Specialist to submit evidence in writing supportive of her/his present ability to function properly and effectively in the college community. The Advising Specialist and Associate Director of Student Development will evaluate the student’s request and supporting documentation with primary consideration given to satisfying all conditions specified at the time of suspension or withdrawal and give a recommendation to the Director of Student Development. If approval is granted by the Director of Student Development for the removal of the administrative hold, the student must be promptly notified in writing and then is expected to complete the regular readmission procedures.

2. If approval for readmission is denied by the Director of Student Development, the student may appeal the decision to the Vice President, Student Success. The appeal must be made, in writing, within five (5) college working days from the date the student is notified in writing by the Director of Student Development that the student’s request has been denied.

3. The Vice President, Student Success, upon receiving an appeal request, shall review the denial decision made by the Director of Student Development. The review should be held within five (5) college working days from the date the appeal request is received. The review will be conducted by the Vice President, Student Success or designee. Following the review, the Vice President, Student Success will either uphold the decision made by the Director of Student Development or reverse the decision and allow the student to seek reenrollment at the College. The Vice President, Student Success or designee will notify all parties of this decision in writing within five (5) college working days of the review. The decision of the Vice President, Student Success shall remain final.
E. Written Notification for Conduct Proceedings

1. Notice is deemed to have been properly provided when written notification is sent via MCC student email no less than the number of days required by the General Conduct Policy for the particular situation. Failure of a student to receive notice does not prevent a conduct proceeding from being carried out.

NOTE: Students are advised to keep their most current local address, permanent address, email address, and local telephone number updated in WebAdvisor.

Article VIII: General Conduct Policy Review Committee

1. Committee Composition

The General Conduct Policy Review Committee will conduct an annual review of the General Conduct Policy to begin each February and make recommendations to the Director of Student Development regarding omissions, clarifications, constructive changes, and other matters relevant to the proper interpretation and operation of the General Conduct Policy.

2. Committee Appointment

   a. Advising Specialist will serve as the committee chair.

   b. The General Conduct Policy Review Committee will consist of at least one full-time faculty member, one full-time staff member, and one student to be appointed by the Director of Student Development. These appointments are in addition to the Advising Specialist.

3. Committee Removals

The Director for Student Development may remove a member from this committee when, in her/his judgment, the member has failed or refused to serve and perform the duties and functions of this committee.

4. Committee Meetings

The Advising Specialist will establish meeting dates and times during which the General Conduct Policy will be reviewed and will provide for scheduling special meetings as needed.

5. Committee Quorum

A quorum for the committee is four members.

6. Additional Committee Members

The Director of Student Development may appoint additional members of the General Conduct Policy Review Committee to expedite the review process of the code. The additional members of the General Conduct Policy Review Committee will have the same composition of membership, the same duties and
the same authority as the original General Conduct Policy Review Committee.