

POLICIES AND PROCEDURES

Subject: General Conduct Policy Reference: E-VIII

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Approval Auth.: Board of Trustees Approved: _____

Remarks: Replaces previous policy dated April 27, 2004.

Date: November 26, 2007

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 "Counseling Specialist" means the MCC administrator authorized by the Vice President, Student Services to determine whether a student has violated the General Conduct Policy and to recommend imposition of sanctions.
- H. The term "preliminary judicial hearing" means the initial appellate hearing where the accused individual, Counseling Specialist, Vice President, Student Services and any other

college official deemed necessary to the case meet to determine whether there is evidence to reverse the initial disciplinary sanctions imposed.

- I. The term "MCC Board of Trustees" means the legally constituted authority for the governance and orderly operation of McLennan 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 "Highlanders Guide - MCC Student Handbook", and the MCC General Catalog.
- M. The term "cheating" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisition, without permission, of tests or other academic material belonging to a member of the MCC faculty or staff.
- N. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
- O. The term "Judicial System" includes the MCC Board of Trustees, MCC officials and the Disciplinary Committee in carrying out their duties under this General Conduct Policy.

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 - Enforcement

The Vice President, Student Services of the College or her/his representatives shall be responsible for initiating and assuring prompt enforcement of these regulations, including the application of remedies and the implementation of appropriate disciplinary or legal proceedings as they apply to students.

Persons violating any of these policies are subject to immediate removal and/or exclusion from the MCC premises or activities. Such removal or exclusion shall be in addition to and not in lieu of further disciplinary action as set forth herein.

Disciplinary or legal action or proceedings shall be taken, in the case of a student, by administrative action by the Vice President, Student Services or her/his representatives, providing that a student, upon her/his written request, shall be afforded a hearing before a committee appointed in a manner prescribed by the President.

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as College employees. Violations of any policies, regulations, and guidelines may result in disciplinary action, including termination of employment or suspension with or without pay.

In the case of a visitor (see Article V below), legal proceedings shall be initiated by and at the discretion of the President or her/his representatives.

Article IV - 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 Services 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 V - 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 director. In any case, where the appropriate division director 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 VI - 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 his designee shall ensure enforcement of college conduct regulations.

C. Responsibilities for Administration of Student Conduct

1. The Vice President, Student Services, by delegation of the President of the College, shall be responsible for student conduct. The Vice President, Student Services 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.

2. A Discipline Committee shall be appointed by the President and shall be responsible for hearing appeals by students for disciplinary actions or sanctions imposed by the Vice President, Student Services. The Committee shall be responsible to the President of the College for disposal of such cases as may properly come before it.

a. The Committee shall consist of three (3) members of the faculty or administration and two (2) students. The three members of the faculty or administration shall be recommended by the Faculty Council, and approved by the President. The two students shall be recommended by the Student Government, and approved by the President.

b. All decisions of the Discipline Committee may be appealed to the President.

c. Minutes of all meetings of the Discipline Committee shall be presented to the President and the Vice President, Student Services.

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 VII - Proscribed Conduct

All persons shall conduct themselves on college premises, or while engaging in college-sponsored activities, in a manner consistent with:

1. All local, state, and federal laws, and all rules, regulations, and policies of the Board of Trustees and administrative officials of MCC.
2. The lawful exercise of the rights and freedoms of others.

A. Rules and Regulations

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article VIII of the General Conduct Policy. All other persons found to have committed the following misconduct are subject to administrative sanctions as determined by the President or the President's designee.

1. Violation of any federal, state and local laws or ordinances.
2. Violation of any rules or policies of MCC.
3. Disruption or obstruction, or attempting to disrupt or obstruct, any lawful activity of the college.
4. Interfering with, or attempting to interfere with, the lawful exercise of freedom of speech, freedom of movement, freedom of peaceable assembly, or other rights of individuals or groups.

5. Acts of dishonesty, including, but not limited to, the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty.
 - b. Furnishing false information to any MCC official, faculty member or office.
 - c. Forgery, alteration, or misuse of any MCC document, record, or instrument of identification.
 - d. Tampering with the election of any MCC recognized student organization.
6. Attempted or actual theft of or damage to the property of the College, any person, or any other entity.
7. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization.
8. Failure to comply with lawful directions of MCC officials or law enforcement officers acting in the performance of their duties or in the enforcement of these policies and/or failure to identify oneself to one of these person when requested to do so.
9. Unauthorized possession, duplication, or use of any keys to any MCC premises or unauthorized entry to or use of MCC premises.
10. Possession, use, sale, delivery to another person or being under the influence of any alcoholic beverage (as defined by Section 1.04, Alcoholic Beverage Code). See Highlander Guide, Penalties under Federal Law. Upon approval by the President, alcoholic beverages may be served at the Bosque River Stage, The Northwood House at McLennan Community College, The Conference Center at MCC, McLennan House and Gardens, Highlander Ranch and other designated areas, and subject to all Federal, State and local laws and regulations regarding possession, use and sale of alcoholic beverages. This policy does not apply to leased residential facilities and the Art Center.
11. Possession, use, sale, delivery to another person or being under the influence of marijuana, a

controlled substance (as defined by Chapter 481, Health and Safety code, or by 21 USC Section 801 et seq.), or a dangerous drug (as defined by Chapter 483, Health and Safety Code). See Highlander Guide, Penalties under Federal Law.

12. Except for licensed police officers, possession or use on the college campus of any weapon, specifically including firearms, explosive weapons, clubs, illegal knives, and other weapons as defined by Chapter 46, Texas Penal Code.
13. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the health and safety of any person or which interferes with the privacy rights of any individual.
14. Engaging in any obscene, profane, reckless, tumultuous, or destructive conduct.
15. Conduct which is disorderly, lewd, indecent, or constitutes a breach of peace. Aiding, abetting, or procuring another person to breach the peace on MCC premises or at functions sponsored by, or participated in by MCC.
16. Incurable or persistently irresponsible behavior.
17. Sexual assault (as defined by the Sexual Assault Policy E-XXVIII-a, Institutional Policies and Procedures Manual).
18. Sexual harassment (as defined by Policy F-V-k, 1, Institutional Policies and Procedures Manual).
19. Participation in a campus demonstration which disrupts the normal operations of MCC and infringes on the rights of the members of the MCC community; leading or inciting others to disrupt schedules and/or normal activities within the campus building or area; intentional obstruction which unreasonably interferes with the freedom of movement, either pedestrian or vehicular, on campus or at MCC sponsored or supervised functions.
20. Advocating the overthrow of any legally constituted governmental body or system by force or violence, or advocating violation of any local, state, or federal law, or any rule, regulation or policy of the MCC Board of Trustees and administrative officials of the College.
21. Malfeasance or misuse of elective or appointive

offices in a student organization which is injurious to the organization, its members, or the welfare of the college community.

22. Unapproved assembly of persons or groups.
23. Use of personal portable sound amplification equipment (e.g., radios and/or CD players), cellular phones or beepers in a manner that disturbs the privacy of other individuals and/or the instructional program of the College.
24. Use of tobacco products in classrooms or other campus areas where such use is unauthorized.
25. Theft or other abuse of computer time or equipment, including but not limited to:
 - a. Unauthorized entry into a file to use, read or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Unauthorized use of another individual's identification and password.
 - d. Use of computing facilities or equipment to interfere with the work of another student, faculty member or MCC official.
 - e. Use of computing facilities or equipment to post, send, display or manufacture obscene or abusive material or messages.
 - f. Any action that results in interference with the normal operation of the MCC computing system.
26. Abuse of the Judicial System, including, but not limited to:
 - a. Failure to obey the summons of a judicial body or MCC official.
 - b. Falsification, distortion, or misrepresentation of information before a judicial body.
 - c. Disruption or interference with the orderly conduct of a judicial proceeding.
 - d. Attempting to discourage an individual's proper participation in, or use of, the judicial system.

- e. Attempting to influence the impartiality of a member of a judicial body to and/or during the course of the judicial proceeding.
 - f. Failure to comply with the sanction(s) imposed under the General Conduct Policy.
 - g. Influencing or attempting to influence another person to commit an abuse of the judicial system.
27. The violation of the terms of disciplinary probation or the infraction of any part of the General Conduct Policy during the disciplinary action.
28. Group conduct: Student societies, clubs, and other student organizations are responsible for conducting their activities in a manner that reflects favorably upon themselves and the College. Such responsibilities include the following:
- a. Compliance with all college regulations and policies.
 - b. Taking reasonable steps as a group to prevent violations of the law or college regulations and/or policies by members of the group.
 - c. A willingness to deal individually with those members of the group whose behavior reflects unfavorably upon that group or the College.

B. Violation of Law and MCC Disciplinary Proceedings

1. MCC disciplinary proceedings may be instituted against a student charged with a violation of law, which is also a violation of this General Conduct Policy. For example, if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution proceedings under this General Conduct Policy may be carried out prior to, simultaneous with, or following civil or criminal proceedings off campus.
2. When a student is charged by federal, state, or local authorities with a violation of law, MCC will not normally request or agree to special consideration for that individual because of his or her status as a student. MCC will cooperate fully with the law enforcement and other agencies in the enforcement of criminal law and in the conditions imposed by criminal courts for the rehabilitation of student violators without regard to the pendency of a proceeding before the MCC Judicial System. Individual students acting in

their personal capacities remain free to interact with governmental representatives as they deem appropriate.

Article VIII-Judicial Policies and Procedures

A. Disciplinary Actions

1. The following sanctions may be imposed upon any student or student group found to have violated the General Conduct Policy:
 - a. Notification of parent(s) or legal guardian(s): written or oral notice to the parent(s) or legal guardian(s) that the student is violating or has violated institutional regulations.
 - b. Warning: written or oral notice to the student that he/she is violating or has violated institutional regulations.
 - c. Loss of privileges: denial of specified privileges for a designated period of time, including permanent denial of specified privileges.
 - d. Probation: probation for a designated period of time, which includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
 - e. Fines: previously established and published fines may be imposed (e.g., parking fines, library fines).
 - f. Restitution: compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - g. Discretionary sanctions: work assignments, service to MCC or other related discretionary assignments (such assignments must have the prior approval of the Vice President, Student Services).
 - h. Group sanctions: any sanction listed within Article VIII, Section A, No. 1, and/or loss of MCC recognition for a designated period of time including, but not limited to, permanent deactivation.
 - i. Interim Suspension: in certain circumstances, the Counseling Specialist may recommend to the Vice President, Student Services that the student be suspended prior to the hearing before the

Discipline Committee.

1. Interim suspension may be imposed only:
 - i. To ensure the safety and well being of members of the MCC community or preservation of MCC property.
 - ii. To ensure the student's own physical or emotional safety and well being; or
 - iii. If the student(s) pose(s) a definite threat of disruption of or interference with the normal operations of MCC.
2. During the interim suspension, student(s) shall be denied access to the campus (including classes) and/or all other MCC activities or privileges for which the student might otherwise be eligible, as the Vice President, Student Services or the Counseling Specialist may determine to be appropriate.
- j. Suspension: separation of the student from MCC for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

Other disciplinary actions may be recommended to the President by the Disciplinary Committee in cases in which a student has appealed the disciplinary judgments made by the Vice President, Student Services.

2. More than one of the sanctions listed above may be imposed for any single violations.
3. Disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential record maintained by Career Development Services and the Office of the Vice President, Student Services.

B. Charges and Hearing

1. Any member of the MCC community may file charges against any student(s) for misconduct. Charges shall be prepared in writing and be directed to the Counseling Specialist. Any charges should be submitted as soon as possible after the event takes place, preferably within two working days.
2. The Counseling Specialist may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Counseling

Specialist. Such disposition shall be final and there shall be no subsequent proceedings.

3. In those cases of student conduct involving psychological or emotional disturbances or other unusual circumstances of an emergency nature, the Counseling Specialist may recommend that the Vice President, Student Services take action, in addition to the initiation of disciplinary proceedings, including interim suspension. (See Article VIII, Section A, No. 1, letters i, j).
4. When an offense has occurred and is substantiated to the satisfaction of the Counseling Specialist, she/he shall initiate the following procedures:
 - a. Advise the student in person or in writing of the charge against him/her.
 - b. Afford the student an opportunity to present information in support of his/her case and to plead guilty or not guilty. (A student may, at her/his expense, have an attorney or advisor present at any meetings with the Counseling Specialist or other official during disciplinary investigations or proceedings. The attorney or advisor may only advise the student, but may not participate directly in the proceedings.)
 - c. Seek professional assistance and/or advice, or take other measures to insure fair disposition of the case as deemed necessary.
 - d. Prepare a written judgment that shall include findings of the existence of a violation and recommend sanctions for approval by the Vice President, Student Services.
 - e. Present a written judgment that represents the official position of the college to the student upon approval by the Vice President, Student Services.
 - f. Inform the student of her/his right to appeal, and of his/her right to be advised by counsel, in accordance with this policy.

C. Appeal Procedures

1. The Discipline Committee shall serve as the appellate body to hear student appeals regarding disciplinary judgments made by the Vice President, Student Services.
 - a. If the student wishes to appeal, she/he must do so within five calendar days after the date that disciplinary action is taken by the Vice President,

Student Services, by requesting a hearing before the Discipline Committee. The request must be made in writing to the Vice President, Student Services, who shall notify the President and the Discipline Committee.

- b. The discipline Committee shall meet as soon as practical to consider an appeal.
 - c. Procedures for hearings before the Discipline Committee shall be in accordance with the rules set forth in paragraph D below.
2. All cases heard by the Discipline Committee may be appealed to the President of the College by the student or Vice President, Student Services. Appeals to the President shall be based upon the record of the proceedings before the Discipline Committee, unless the President, after notice to the student, decides to hear witnesses.
 3. A case heard by the President may be appealed to the Board of Trustees. Appeals to the Board shall be based upon the record of the proceedings before the Discipline Committee, unless the Board, after notice to the student, decides to hear witnesses. Decisions by the Board of Trustees will be final.
 4. The Discipline Committee, the President, and the Board of Trustees may take one of the following actions:
 - a. Remand the case to the immediately preceding judicial agency for further consideration.
 - b. Affirm the action of the judicial agency immediately preceding it in the appeal process.
 - c. Reduce the penalty.
 - d. Dismiss the charge.
- D. Procedures before the Discipline Committee
1. Upon receipt of the judgment and student's request for a hearing, the Discipline Committee shall schedule a hearing as soon as practical. The Committee shall notify the student in writing of the time, date, and place of the hearing.
 2. The College shall be represented by the Vice President, Student Services or her/his designee.
 3. The College and the student shall provide each other with a list of witnesses, documentary evidence, and brief summary of the proposed testimony of the witnesses within

a reasonable time prior to the hearing.

4. If any member of the Committee cannot attest to his/her impartiality in the case, that member shall be excused, and the President shall appoint another member to the Committee.
5. The Chair of the Discipline Committee shall preside over the hearing and rule on all evidentiary and procedural matters.
6. Each party shall have an opportunity to present orally or in writing its own version of the facts and to present other evidence in support of its case.
7. Each party shall have the right to hear the evidence and ask questions of the witnesses either directly or through the Discipline Committee.
8. The student may be counseled by an advisor, including an attorney, during the hearing. However, an attorney shall not be allowed to participate in the hearing process other than to advise the student, unless the college uses an attorney to present its case.
9. The College has the burden of proving its case by preponderance of evidence. The preponderance of evidence means proof that leads a reasonable person to find that the facts in issue are more likely than not to have occurred.
10. Either party, at its own expense, may make a record of the proceedings by use of a tape recorder, court reporter, written summaries of the proceedings, or other reliable means of making a record. (It is the responsibility of the party appealing to the next level to present an adequate record of the proceedings.)
11. After hearing all the evidence, the Committee shall determine by majority vote of those present whether the student violated college policy and whether the sanctions imposed were appropriate. Based upon their determination, the committee, by majority vote, shall take one of the actions set forth in paragraph C, section 4 above.
12. Hearings before the Discipline Committee shall be closed unless the student requests an open hearing.
13. Any determination of the facts shall be based only on the evidence presented at the hearings.
14. A written statement of the findings and actions of the Discipline Committee shall be provided to the student, the Vice President, Student Services, and the President within five calendar days after the completion of the

hearing.

Article IX -- Interpretation and Revision

- A. Any question of interpretation regarding the General Conduct Policy shall be referred to the Vice President, Student Services or her/his designee for final determination.
- B. Any question of interpretation regarding non-student related policies shall be referred to the President or his/her designee.
- C. These policies may be amended in whole or in part from time to time by action of the Board of Trustees.