

McHenry County College

Student Code of Conduct and Disciplinary Process

ARTICLE I PURPOSE OF THE STUDENT CODE OF CONDUCT AND DISCIPLINARY PROCESS

Consistent with the McHenry County College mission is an expectation that students will govern themselves in terms of appropriate behavior with emphasis on self-respect and respect for others. It is the practice of the College to respect the properly exercised rights of its students. The College recognizes a student's rights within the institution to freedom of speech, inquiry and assembly; to the peaceful pursuit of education; and to the reasonable use of services and facilities of the College.

The College has adopted a Student Code of Conduct and disciplinary process in order to maintain a learning environment of respect, civility, safety, and integrity for all members of the College community.

Whenever possible, sanctions for violations of the Student Code of Conduct may be educational in nature. However, violations affecting the health and safety of members of the College community are deemed to be the most serious. Therefore, acts of violence, threats or dangerous behavior are most likely to result in a suspension from the college. Violations of the academic dishonesty policy may also result in suspension or expulsion from the institution and/or reduced or failing grade.

ARTICLE II STUDENT CONDUCT POLICIES

Procedural fairness is basic to the proper enforcement of all College regulations. Accordingly, no disciplinary action shall be initiated or sanction imposed against students or student organizations until they have been notified in writing of the charges against them and their rights under this Code, and given the opportunity to be heard except in cases where interim suspension is warranted for the health and safety of the community.

All College regulations and policies pertaining to student discipline shall be published, distributed, or posted in such a manner as to furnish adequate notice of their contents to students or student organizations. Each student is responsible for knowledge and compliance with the Disciplinary Process and Student Code of Conduct.

All policies found in the Board Policy Manual are subject to change from time to time as approved by the MCC Board of Trustees. The Dean of Students Office disseminates hard copies of additions/revisions not more than 3 times each year. The web copy, located at www.mchenry.edu/downloads/pdf/StudentCodeofConduct.pdf, is updated every 1-2 months, as needed. Prior to acting in reliance upon a specific board policy as it appears in any copy of the policy manual, please check to make sure that the board has not recently approved any additions/revisions to that specific policy.

ARTICLE III DEAN OF STUDENTS

The Dean of Students will insure that the best interests of students and student organizations are served, regardless of whether disciplinary action is taken, by making full use of the appropriate counseling and other professional services at the College.

The Dean of Students shall serve as non-voting Secretary of the Conduct Review Committee and as advisor to all individuals and groups authorized to impose disciplinary sanctions.

The Dean of Students shall be responsible for maintaining complete records pertaining to the activities of the Code of Conduct program. Those records shall include a summary of the business of the Conduct Review Committee and report of the disposition of each disciplinary case handled by any person or group authorized to impose disciplinary sanctions in the name of the College.

The Dean of Students will provide periodic written reports to the Conduct Review Committee of the disposition of student conduct cases reviewed by that body. At the end of each academic year, the Dean of Students shall submit to College officials, Executive Deans, Department Heads, and student leadership, a written report covering the entire Student Code of Conduct program, including the number and type of violations dealt with, an evaluation of the existing rules, policies, and enforcement procedures. The report shall also detail all Code revisions approved during the previous year.

ARTICLE IV STUDENT RIGHTS

Any student facing possible disciplinary action is entitled to the following procedural rights:

- The right to be notified in writing of the charges against him/her.
- The right to know the nature of the information, which is a summary of the incident reports provided.
- The right to present information and witnesses relevant to his/her defense.
- The right to freedom from compulsory self-incrimination.
- The right to appear with an advisor.

ARTICLE V PROSCRIBED CONDUCT OF THE COLLEGE

Sanctions may be imposed for prohibited conduct, which occurs on College premises, at off-campus instructional sites (e.g., experiential coursework, internships, lab, or clinical sites), at College-sponsored extra curricular activities or events when a student serves as a representative of the College, or in the course of using College technology or property. Sanctions may also be imposed for conduct that materially and substantially interferes with the College's operation or educational programs or the safety and welfare of the College community.

Q. The term "classified staff" includes any person employed by the College as defined by the McHenry County College Staff Council contract.

R. The term "falsify" is defined as forging, misrepresenting, or fabricating data to alter results.

S. The term "advisor" is defined as a family member, staff /faculty member of MCC, or peer, and does not include legal counsel or attorney at law.

T. The term "complaint" is defined as a Student Incident Report filed with the Office of the Dean of Students.

U. The term "complainant" means any person who submits a charge alleging that a student violated this Student Code and the term "Accused Student" means any student accused of violating this Student Code.

V. The term "disorderly" is defined as including but not limited to: any unauthorized use of electronic or other devices to make an audio or video record of any person while on MCC premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to surreptitiously taking pictures of another person in gym, locker room, or restroom.

W. The term "lewd or indecent" is defined as a person who removes his/her underclothing and exposes himself or herself, masturbates, engages in voyeurism, or performs any other act in a public place or under circumstances which the person should know will likely cause affront or alarm to another person.

ARTICLE XI INTERPRETATION AND REVISION

Any question of interpretation regarding the Disciplinary Process and Student Code of Conduct will be referred to the Dean of Students or his/her designee for final determination.

The Campus Security Act of 1992 requires statistics on various kinds of crimes, including sex offenses. Statistics are required on forcible and non-forcible sex offenses. Forcible sex offenses are "any sexual acts directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent," and include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. Non-forcible sex offenses are acts of "unlawful," non-forcible sexual intercourse," and includes incest and statutory rape. (Complying with the New Federal Laws: Sex Offenses on Campus, prepared by the American Council on Education and National Association of Student Personnel Administrators, March 1993).

McHenry County College has received permission from Edward N. Stoner II and John Wesley Lowery to adopt the Model of Student of Conduct and the Hearing Script from the Navigating Past the "Spirit of Insubordination": A Twenty-First Century Model Student Code of Conduct With a Model Hearing Script published in The Journal of College and University Law, Vol. (31), No. 11, 2004.

ARTICLE X DEFINITIONS

- A. The term “College” means McHenry County College.
- B. The term “student,” for the purpose of enforcing this code, is defined as any person who: has submitted an application for admission; is registered for one or more credit hours; is enrolled in a non-credit course; or is utilizing any service provided by the College.
- C. The term “faculty member” includes any person who is either a credit or non-credit, full or part-time, teacher, coach, counselor, or librarian.
- D. The term “College representative” includes any person employed by the College performing assigned administrative or professional staff responsibilities.
- E. The term “member of the College community” includes any person who is a student, faculty member, College representative, or any other person employed by the College.
- F. The term “College premises” includes all land, buildings, facilities and other property in the possession of or owned, used, or controlled by the college (including adjacent streets and sidewalks).
- G. The term “Organization” means any number of persons who have complied with the formal requirements for college recognition.
- H. The term “disciplinary body” means the Vice President of Learning and Student Support Services, the Dean of Students, the Conduct Review Committee, or any person or persons authorized by the Vice President for Learning and Student Support Services to determine whether a student has violated the Student Code of Conduct and to impose appropriate sanctions.
- I. The term “Conduct Review Committee” refers to the disciplinary board composed of one member of the administration, two members of the classified staff, two members of faculty, and two student representatives.
- J. The term “business day” is defined as any day excluding Saturdays, Sundays, breaks in the academic year, or any holidays recognized by the College.
- K. The term “shall” is used in the imperative sense.
- L. The term “may” is used in the permissive sense.
- M. The term “weapon” is defined in accordance with state law and McHenry County College Board Policy Manual 1.10 Anti-Violence Policy, and includes any object or substance designed to inflict a wound or cause bodily injury or damage to property.
- N. The term “College-sponsored event” means any event or activity on or off College premises that is directly initiated, sponsored, supported, or supervised by the College.
- O. The Dean of Students is the person designated by the College president to be responsible for the administration of the Student Code of Conduct. The Dean of Students may designate other College officials to conduct student disciplinary hearings, if appropriate.
- P. The term “policy” is defined as the written regulations of McHenry County College as found in, but not limited to, the Student Code of Conduct, College catalog, Board Policy Manual, web page, and computer use policy.

Records created and maintained by a law enforcement unit of an educational institution (e.g., campus security) which were created by that law enforcement unit for purposes of law enforcement are not considered “student records” under FERPA and may be released to third parties as necessary without violating FERPA.

Jurisdiction is maintained between periods of enrollment unless the accused individual’s official record in the Registration Office shows a complete withdrawal prior to the expiration of the published deadline for registration for the succeeding period of enrollment. For students enrolled in the spring term, jurisdiction is maintained until the expiration of the published deadline for registration for the succeeding fall term.

The Dean of Students shall exercise sole discretion in determining whether the Student Code shall be applied to conduct occurring off campus in accordance with the best interests of the College.

ARTICLE VI STUDENT CODE OF CONDUCT PROCEDURES

A. Complaint, Notice and Response

Any member of the College community may file a complaint against any student for misconduct. Complaints must be presented in writing to the Dean of Students or his/her designee and should be submitted as soon as possible after the event takes place, preferably within fifteen business days. A violent incident report form filed in accordance with Board Policy 1.10 shall satisfy the requirement of filing a written complaint.

Within five business days of receiving a complaint, the Dean of Students or his/her designee will notify the accused student in writing of the complaint and afford the student an opportunity to meet with the Dean or designee to respond to the complaint and/or evidence provided in relation to the complaint. Such notice shall notify the student(s) in writing of: (a) the alleged Code violation; (b) the opportunity for the student(s) to meet with the Dean of Students for purposes of discussing the options for disposition of the complaint; and (c) The student’s right to have an advisor accompany the student.

A student against who a complaint has been filed and/or disciplinary charges are pending will not be permitted to withdraw from the College with a clear education record (e.g., a record without notation of disciplinary charges and sanctions) until such charges have been resolved.

ARTICLE VII STUDENT CODE OF CONDUCT PROCESS

A. Preliminary Investigation and Conference with the Dean of Students

The Dean or his/her designee will conduct a preliminary investigation to determine if the complaint has merit and/or if the complaint can be disposed of administratively or by mutual consent of the parties involved.

The Dean of Students shall conference with the student (and advisor), inform the student of options and rights, and take any of the following actions:

- Make findings of fact on the nature of the complaint;
- Dismiss the case;
- Refer the student for counseling; or
- With or without the student's agreement, refer the case to an informal or formal disciplinary hearings panel and give the student proper notice.

If the complaint can be disposed of at the preliminary investigation stage, such disposition will be final, and there will be no subsequent proceedings. If it is determined that the complaint has merit, and if the complaint cannot be disposed of after the accused student meets with the Dean or his/her designee then the Dean or his/her designee will, within two business days after meeting with the student, notify the student in writing that the charged misconduct will be referred for an informal student disciplinary hearing, or formal hearing by the Conduct Review Committee pursuant to Article VII.B. and Article VII.C. of the Student Code of Conduct.

B. Informal Student Disciplinary Hearing

Student conduct hearings are based on fundamental practices of fairness, with the standard for finding a violation being a preponderance of the evidence. They are not formal legal proceedings and are not subject to the evidentiary rules that govern civil or criminal hearings.

1. Prior to the informal hearing, the student will be notified in writing of the alleged conduct violation, the evidence pertaining to the allegation, and the student's opportunity to be heard at the informal hearing. The notice will also inform the accused student of the date, time, and location of the hearing which must be scheduled not less than five business days nor more than ten business days after the date of written notice. The written notice will also contain a copy of the Student Code of Conduct. A student may, conditional to approval of the Dean of Students or his/her designee, have an advisor attend the informal hearing. In hearings involving more than one accused student, the Dean of Students or his/her designee shall permit the hearings concerning each student to be conducted separately.
2. If the accused student fails to appear for a scheduled informal student disciplinary hearing without good cause, a hearing may be held without the student being present.
3. The Dean of Students or his/her designee may decide to dismiss the charges, warn the student involved, act as mediator to resolve the charges, or sanction the student. Within five business days of the date of the informal hearing, the Dean of Students or his/her designee will explain the decision to the accused student in writing.
4. Unless the Dean of Students or his/her designee determines that the accused student should be suspended or expelled, a decision reached by the Dean of Students or his/her designee shall be final.

B. Disciplinary Sanctions

More than one of the sanctions listed below may be imposed for any single violation.

1. **Warning**—a notice in writing to the student that the student is violating or has violated institutional regulations.
2. **Probation**—a reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s).
3. **Loss of Privilege**—denial of specified privileges for a designated period of time. This may include, but is not limited to, access to facilities, services or offices or participation in clubs, organizations, or College-sponsored events.
4. **Restitution**—compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
5. **Withdrawal from class**—administrative withdrawal with consequent loss of tuition and fees from a class, classes, or program.
6. **Limited Access**—administrative restriction to selected parts/locations of campus buildings.
7. **Other penalties**—the student may be denied a transcript or degree until all of the obligations specified by a disciplinary body are met or other penalties as may be imposed as ones determined to fit the misconduct.
8. **College suspension**—separation of the student with consequent loss of tuition and fees from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
9. **College expulsion**—permanent separation with consequent loss of tuition and fees of the student from the College.
10. **Discretionary Sanctions**—Work assignments, service to the College or neighboring communities, or other related discretionary assignments (such assignments must have the prior approval of the disciplinary advisor).
11. **Counseling or Education Seminars** - A student may be required to participate in counseling seminars or educational workshops in lieu of, or in addition to the imposition of sanctions.
12. In addition to the sanctions identified in subparagraphs 1. - 11., the following sanction may also be imposed upon student clubs, groups or organizations:
Deactivation - loss of privileges, including College recognition, for a specified period of time.
13. **Revocation of Admission or Degree** - Admission to the College may be revoked based on fraud, misrepresentation or other forms of misconduct related to the admissions process. The granting of a degree by the College may be revoked based on fraud, misrepresentation or other forms of misconduct related to obtaining the degree.

- f) Attempting to influence the impartiality of a member of the Conduct Review Committee prior to, and/or during the course of, the Conduct Review Committee proceeding.
 - g) Harassment (verbal or physical) and/or intimidation of a member of the Conduct Review Committee prior to, during, and/or after a Conduct Review Committee proceeding.
 - h) Failure to comply with the sanctions(s) imposed under the Student Code of Conduct.
 - i) Influencing or attempting to influence another person to commit an abuse of the Student Code of Conduct.
27. Students are required to engage in responsible social conduct that reflects credit upon the MCC Community and to model good citizenship in any community.

ARTICLE IX INTERIM SUSPENSION AND DISCIPLINARY SANCTIONS

The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:

A. Interim Suspension

If a student is unresponsive to a faculty member's or College representative's intervention and continues to be disruptive, it may be appropriate to remove the student from the classroom and/or premises. The faculty member or College representative will notify the Dean of Students or his/her designee immediately if further sanctions are appropriate.

In certain circumstances, the Dean of Students or his/her designee may impose an immediate interim suspension when the Dean or designee determines that the student's conduct poses an immediate threat to:

1. The safety and well being of members of the College community or preservation of College property;
2. The student's own physical or emotional safety and well being; or
3. A material and substantial disruption of or interference with the normal operations of the College.

An interim suspension may be imposed as necessary at any stage prior to, during, or subsequent to the disciplinary process described in the Code.

During the interim suspension, students will be denied access to the campus (including classes), to College-sponsored events or privileges for which the student might otherwise be eligible, as the Dean of Students or his/her designee determines appropriate.

If the student has been given an interim suspension prior to an informal hearing, within two business days of the date a student receives an interim suspension, the Dean of Students or designee will provide written notice to the student of an informal hearing pursuant to the procedures described in Article VII.B.

In matters which result in suspension or expulsion, the accused student may appeal the decision to the Conduct Review Committee within ten business days of the date of the decision. Appeals must be presented in writing to the Dean of Students or his/her designee who will notify the accused student of the appeal hearing within two business days of receiving the student's appeal request. Appeals will be heard pursuant to the procedures described in Article VII.C.3.

C. Formal Hearing

1. Conduct Review Committee

The accused student may request, or the Dean of Students may require, that the charges be resolved at a formal hearing provided by Conduct Review Committee. The Dean of Students shall consider the preference of the accused student, the nature of the charges, and the availability of the committee members when assigning the case for a hearing.

The Conduct Review Committee will be established by May 30 of each year and will be composed of:

- One member of the administration (and an alternate) appointed by the President of the College;
 - Two members (and an alternate) of the classified staff appointed by the President of the College from a list of four staff members submitted by the President of the McHenry County College Staff Council;
 - Two members (and an alternate) of the faculty appointed by the President of the College from a list of five faculty members submitted by the President of the McHenry County College Faculty Association; and
 - Two members (and an alternate) of the student body appointed by the President of the College from a list of four students submitted by the Student Senate Chair.
- The President of the College will appoint the chair of the Conduct Review Committee.

Conduct Review Committee members and alternates serve on the committee from June 1 through May 30 of the academic year. Alternate members may be reappointed to serve as full members for the next academic year.

The Conduct Review Committee will hear cases and make decisions on appropriate sanctions. The Conduct Review Committee may also hear appeals of informal hearings that resulted in suspension or expulsion.

The Dean of Students shall serve as non-voting Secretary and advisor to the Conduct Review Committee.

No Conduct Review Committee member may sit on the Committee during a hearing if that member is a complainant, witness, has a direct or personal interest in the outcome of the hearing, or has previously acted in an advisory capacity to the accused student.

The Chair of the Conduct Review Committee may establish a hearing format consistent with this Code. In cases involving more than one accused student, the chair of the Conduct Review Committee and the Dean of Students or his/her designee will determine if hearings or conferences concerning each student will be conducted jointly or separately.

2. Formal Disciplinary Hearing Process

- a. Formal hearings will be conducted by the Conduct Review Committee according to the following guidelines:
 1. Hearings will be closed to the public.
 2. The student will be notified by certified mail of a hearing at least seven business days in advance of the hearing. The letter will inform the student of:
 - The charges alleged to have been violated and sufficient details of the complaint for the basis of the allegation to be understood;
 - The time, location and place of the hearing;
 - A statement of the respondent student's rights as stated in the Code;
 - The name of the person(s), group, or College office filing the charges.
 3. In all cases, the evidence in support of the charges will be presented and considered whether or not either party is in attendance.
 4. The accused student may be accompanied by an advisor if so desired. The advisor may attend the hearing with the student to counsel him/her and suggest questions. The accused student and advisor may be present during the entire time of the hearing, except during the deliberations of the conduct review committee. In no event may the advisor participate directly by speaking for either party or questioning witnesses. Admission of any other person to the hearing will be at the discretion of the chairperson.
 5. Both the accused student and the complaining parties may present evidence, including witnesses and written statements. The chair of the Conduct Review Committee will determine the format of the hearing, and the admissibility of witnesses or written statements, and may elect not to hear such testimony if deemed redundant or irrelevant.
 6. The accused student is not required to answer questions of an incriminating nature. The chair of the Conduct Review Committee retains authority to question witnesses and parties to the alleged violations and will determine the appropriateness of questions posed by the parties.
 7. Pertinent and relevant information may be reviewed without regard to the legal rules of evidence.
 8. The chair of the Conduct Review Committee may opt to hear the testimony of witnesses separately.
 9. There will be a single verbatim record, such as a tape recording, of all hearings before the Conduct Review Committee. Access is limited to reviewing the verbatim record only on the College premises and in the presence of the Dean of Students or his/her designee. The verbatim record will be the property of the College.
 10. The Student Conduct Review Committee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where as determined in the sole judgment of the Dean of Students to be appropriate and in the best interests of the College.

device from which a projectile may be fired by an explosive, any firearm or device operated by gas or compressed air), knives (including any bowie knife, spring blade knife, dagger, switchblade knife), explosives, chemical or biological weapons, slingshot, metal knuckles, blackjack, any object which by use, design, or definition may be used to inflict injury upon a person, and any object if used, attempted to be used, or threatened to be used to cause bodily harm. "Weapons" does not include mace or pepper spray type products designed and carried solely for the purpose of self-protection.

- a. This does not apply to any certified law enforcement personnel engaged in official duties.
- b. Activities requiring use of the prohibited items may be conducted on approval of the activity by the Director of Campus Safety & Security.
17. Intentional obstruction of the freedom of movement pedestrian or vehicular traffic on College premises.
18. Participation in a campus demonstration which disrupts the normal operations of the College and infringes on the rights of other members of the College community.
19. Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
20. Detention or physical abuse of any person or conduct which is intended to threaten imminent bodily harm or endanger the health or safety of any person on any property owned or controlled by the college, or at any college sponsored or supervised functions.
21. Failure to comply with reasonable directions of college officials or public safety officers acting in performance of their duties on campus or affecting conduct on campus.
22. Unauthorized possession, duplication or use of keys to any MCC premises or unauthorized entry to or use of MCC premises.
23. Being an accessory to any person on the college campus who is or who is not a member of the college community who violates this code.
24. Violation of College Board policies.
25. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on MCC premises or at functions sponsored by, or participated in by, MCC or members of the academic community.
26. Abuse of the Student Code of Conduct, including but not limited to:
 - a) Failure to obey the notice from the Conduct Review Committee or MCC official to appear for a meeting or hearing as part of the Conduct Review Committee proceeding.
 - b) Falsification, distortion, or misrepresentation of information before the Conduct Review Committee.
 - c) Disruption or interference with the orderly conduct of the Conduct Review Committee proceeding.
 - d) Institution of a Conduct Review Committee proceeding in bad faith.
 - e) Attempting to discourage an individual's proper participation in, or use of the Student Code of Conduct system.

of age) are not permitted on campus unattended by a parent/guardian, except when they are attending classes offered by the College for children. The College requires that no children (e.g., less than 16 years of age) be allowed into a classroom/laboratory environment solely for the purpose of a parent/guardian providing direct supervision of his/her child.

7. Coercion, which is defined as attempting to compel, control, or manipulate another through the threat of force, intimidation, exploitation of fear or anxiety, including explicit and implied physical and verbal threats against another person.

8. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other MCC activities, including its public service functions on or off campus, or of other authorized non-MCC activities when the conduct occurs on MCC premises.

9. Intentionally obstructing or denying access to facilities or services to individuals entitled to use such services or facilities.

10. Intentionally interfering with the lawful rights of other persons on campus.

11. Sexual harassment which includes any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when such conduct has the purpose or effect of substantially interfering with an individual's work performance, or participation in extracurricular activities.

12. Sexual harassment and/or actions of a sexual nature, which creates an intimidating, hostile, or offensive working or educational environment.

13. Violation of local, county, state, or federal law, whether it be on or off campus, only when a definite college interest is involved and where the student misconduct distinctly and adversely affects the college's pursuit of its educational mission. Violation of these laws may lead to prosecution by law enforcement agencies in addition to sanctions by the College.

14. Theft (actual or attempted) or destruction of College property or property belonging to a member of the College community.

15. Possession, use, or attempt to distribute or sell illicit drugs, alcohol or other controlled substances except as expressly permitted by law (i.e., prescription medications used by a person from whom the medication was prescribed).

16. The College prohibits anyone from wearing, transporting, storing, or possession of firearms or other weapons on College property (including College-owned vehicles and parking lots), at College-sponsored or College-related functions or events, and during times when acting as a representative of the College whether on or off College premises. Individuals who commit such acts may be removed from College premises and/or subject to disciplinary action, criminal penalties, or both. Possession of "weapons", which includes but is not limited to firearms (including any gun, rifle, shotgun, pistol, BB or pellet gun, any firearm or device from which a projectile may be fired by an explosive, any firearm or

11. Determination of violations shall be made based on the preponderance of evidence.

12. Decisions by the Conduct Review Committee shall be by majority vote.

13. The Dean of Students shall notify the accused student via certified mail, return receipt requested, of the Conduct Review Committee's findings with the shortest reasonable time after the decision has been rendered (not to exceed ten business days of the hearing).

b. If the student is found not to be in violation of the Student Code of Conduct, and if coursework has been missed as a direct result of action taken against the student, appropriate action will be taken in order to assist the student to complete the course, retake the course at no charge, reimburse the cost of tuition, or reach other alternatives.

3. Appeals of Formal Hearing Decisions

a. A decision reached and/or sanction imposed by the Conduct Review Committee at the formal hearing may be appealed by the accused student in writing by certified mail within ten business days after receipt of the Committee's decision to the Vice President for Learning and Student Support Services. The Vice President for Learning and Student Support Services will not hold a hearing. Rather, resolution of the appeal shall be based upon the written findings and decision from the Conduct Review Committee, the record of the hearing, as well as any written documentation submitted by either party during the hearing. The Dean of Students or his/her designee will provide all relevant documentation to the Vice President for Learning and Student Support Services.

b. The appeal must include the name of the individual making the appeal, the action that is being appealed, the date the action took place, and the grounds for appeal. Appeals, including rationale, must be made on the basis of one or more of the following grounds:

1. Procedural or pre-disciplinary error was committed.

2. The finding of facts contained in the decision included inaccurate information.

3. Specific evidence presented at the hearing is objectionable.

4. Evidence not offered during the hearing is now available. In such cases, new evidence may be offered to the Vice President for Learning and Student Support Services for consideration on appeal.

5. The sanction imposed is excessive or inappropriate.

c. The Vice President for Learning and Student Support Services shall render a decision within ten business days after receipt of the appeal and shall inform the student immediately by certified mail.

d. The decision of the Vice President for Learning and Student Support Services may not result in a sanction more severe than that imposed by the Conduct Review Committee.

e. The decision of the Vice President for Learning and Student Support Services shall be final.

ARTICLE VIII CODE OF CONDUCT VIOLATIONS AND DISCIPLINARY SANCTIONS

Rules and Regulations

MCC Students are expected to demonstrate qualities of morality, integrity, honesty, civility, honor, and respect. Disciplinary action may be initiated by the College and sanctions imposed against any student or student organization found responsible of committing, attempting to commit, or intentionally assisting in the commission of any of the following prohibited forms of conduct:

A. Academic Dishonesty

In the academic community, the high value placed on truth implies a corresponding intolerance of scholastic dishonesty. In cases involving academic dishonesty, determination of the grade and of the student's status in the course is left solely to the discretion of the instructor. In such cases, where the College representative determines that a student has demonstrated academic dishonesty, the representative is encouraged to report the incident of dishonesty to the Dean of Students or his/her designee in order to discern potential patterns of egregious dishonesty. Acts of academic dishonesty for which sanctions may be imposed includes, but are not limited to, the following:

1. Cheating which includes, but is not limited to:
 - a. The use of any unauthorized assistance in taking quizzes, tests, or examinations;
 - b. Having another individual take an exam;
 - c. Submitting the same paper in two different courses without specific permission of the current instructor(s);
 - d. Falsifying a laboratory experiment or report of an experiment;
 - e. 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
 - f. The surreptitious or unauthorized acquisition of testing materials or other academic material belonging to a member of the College community. Students need not employ the materials; they need only to possess them in order to violate this code.
 - g. Furnishing false information to any MCC official, faculty member, or office.
 - h. Forgery, alteration, or misuse of any MCC document, record, or instrument of identification.
2. Plagiarism which includes, but is not limited to:
 - a. Using, by paraphrase or direct quotation, of the published or unpublished work of another person without full, clear, and accurate acknowledgement;
 - b. The unacknowledged use of another writer's ideas without proper citation; Borrowing all or part of another individual's work or using someone else's outline to write your own work;

- c. Copying another individual's computer printout and/or computer files and using it as one's own; or
 - d. Using an agency or Internet website engaged in the selling of term papers or other academic materials.
3. Hampering or discrediting the academic work of others by, but not limited to, the following:
 - a. Misusing, damaging, hiding, or stealing library resources;
 - b. Altering or misusing computer programs or equipment; or
 - c. Interfering with the rightful computer access of others.

B. Disrupting or Obstructing the Work and Operation of the College

1. Physical abuse or other conduct which threatens or endangers the health or safety of any person;
2. Verbal threats, intimidation, and/or conduct performed in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;
3. Using electronic technology (such as Internet, e-mail, telephone, fax machines, Instant Messaging) to intimidate another member of the College community;
4. Theft (actual or attempted) or other abuse of College computer facilities, programs, technology and 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 including the use of peer-to-peer-file-sharing.
 - c. Unauthorized use of an individual's identification and password.
 - d. Use of computing facilities to interfere with the work of a student, faculty member or College official;
 - i. Use of computing facilities to interfere with operation of the College computing systems;
 - ii. Unauthorized use or copying of copyrighted software;
 - iii. The unauthorized installation or use of an unauthorized program
 - iv. Unauthorized use of computer time for personal or business purposes;
 - v. Use of the College computer facilities, programs, equipment or technology to send obscene or abusive messages;
 - vi. Unlawful or unauthorized use of the Internet; The unauthorized connection of technological and computing equipment to the College's computers and/or network;
 - vii. The unauthorized use of any form of a digital camera or imaging equipment.
5. Unauthorized use of cell phones, pagers and other communication devices in all instructional areas and the Library, including: all labs and classrooms during instructional sessions.
6. For the safety of children on campus, children (e.g., less than 16 years of age) are not permitted on campus unattended by a parent/guardian, except when they are attending classes offered by the College for children. The College requires that no children (e.g., less than 16 years